

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

<p>Twanda Marshinda Brown, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Lexington County, South Carolina, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No. 3:17-cv-01426-MBS-SVH</p>
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**DECLARATION OF TOBY J. MARSHALL IN SUPPORT OF  
PLAINTIFFS’ OPPOSITION TO DEFENDANTS’  
SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT**

I, Toby J. Marshall, declare as follows:

1. I am a member of the law firm of Terrell Marshall Law Group PLLC (“Terrell Marshall”) and co-counsel for Plaintiffs in this case. I am a member in good standing of the bar of the State of Washington, and have been admitted to this Court *pro hac vice*. I respectfully submit this declaration pursuant to Federal Rule of Civil Procedure 56(d) (“Rule 56(d)”) in support of Plaintiffs’ Opposition to Defendants’ Supplemental Motion for Summary Judgment. The matters required to be addressed by Rule 56(d) are detailed below. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. Defendants’ Supplemental Motion for Summary Judgment argues that Plaintiffs’ prospective relief claims are mooted by a recent memorandum from Chief Justice Donald W. Beatty of the Supreme Court of South Carolina (“Chief Justice’s Memorandum”). The memorandum addresses the sentencing of unrepresented defendants to imprisonment. *See* Dkt.

No. 40–1. Defendants essentially argue that as a result of the memorandum, they have voluntarily ceased all of the unconstitutional conduct alleged in Plaintiffs’ operative complaint, including but not limited to (1) incarcerating people for nonpayment of court fines and fees without first holding a hearing on the individual’s ability to pay and the adequacy of available alternatives to incarceration and without making a finding that nonpayment was willful; (2) failing to afford indigent people assistance of court-appointed counsel when sanctioned with actual incarceration for nonpayment of court-ordered legal financial obligations, when facing sentences for incarceration suspended upon the payment of fines and fees, and when enforcing the incarceration term of a suspended incarceration sentence; and (3) arresting people pursuant to warrants that are based solely on a report of failure to pay court-ordered legal financial obligations and thus are unsupported by probable cause of a criminal offense or probation violation.

3. The only evidence Defendants have put forward in support of their assertion of voluntary cessation is the memorandum from Chief Justice Beatty. *See generally* Dkt. No. 40.

4. Conversely, in support of their response to Defendants’ supplemental motion for summary judgment, Plaintiffs submit the Declaration of Eric R. Nusser, which addresses the compilation and analysis of publicly-available records indicating that:

- a. the Lexington County magistrate courts are continuing to issue bench warrants ordering the arrest and incarceration of indigent people for nonpayment of money owed to the court without providing pre-deprivation ability-to-pay hearings prior to incarceration; and
- b. the Lexington County Sheriff’s Department is continuing to enforce bench warrants issued by the Lexington County magistrate courts for

nonpayment of money owed to the court by arresting and incarcerating indigent people if the individual person does not pay the full amount of money owed, which is listed on the bench warrant.

5. Even if the Court were to determine that the aforementioned records are not sufficient to justify denying Defendants' motion, the records sufficiently demonstrate that additional discovery into Defendants' current policies, practices, and procedures, as well as their individual and collective responses to the Chief Justice's Memorandum, will help Plaintiffs raise genuine, triable issues of material fact regarding their declaratory and injunctive relief claims.

6. Due to the early timing of Defendants' motion in this litigation, Plaintiffs have had no opportunity to perform the formal discovery necessary to respond to Defendants' allegation of voluntary cessation. As a result, Plaintiffs are unable to present additional facts essential to justify Plaintiffs' opposition to Defendants' motion.

**A. Exchange of Initial Disclosures**

7. Plaintiffs have worked with Defendants to meet all requirements to make initial disclosures under the Federal Rules of Civil Procedure and the District of South Carolina Local Rules.

8. On June 1, 2017, Plaintiffs filed their responses to Local Rule 26.01 Interrogatories concurrently with the filing of the Class Action Complaint. *See* Dkt. No. 3.

9. On August 7, 2017, counsel for all parties participated in a Rule 26(f) conference. *See* Dkt. No. 32-1 at 1.

10. On August 17, 2017, Defendants filed their responses to Local Rule 26.01 Interrogatories. *See* Dkt. No. 28.

11. On August 23, 2017, Plaintiffs and Defendants jointly filed a Rule 26(f) Report, *see* Dkt. No. 32, and concurrently filed Joint Responses Pursuant to Local Rule 26.03 and Rule 26(f). *See* Dkt. No. 32–1.

**B. Plaintiffs have served Defendants with Requests for Production of documents concerning Defendants’ ongoing conduct but have not yet received responses.**

12. On October 6, 2017, Plaintiffs served their first set of Requests for Production on Defendants Lexington County and Robert Madsen. Attached hereto as Exhibit A is a true and accurate copy of Plaintiffs’ First Set of Requests for Production of Documents and Things Propounded to Defendants Lexington County, South Carolina, and Robert Madsen.

13. Also on October 6, 2017, Plaintiffs served their first set of Requests for Production on Defendant Bryan Koon. Attached hereto as Exhibit B is a true and accurate copy of Plaintiffs’ First Set of Requests for Production of Documents and Things Propounded to Defendant Bryan Koon.

14. On October 10, 2017, Plaintiffs served their first set of Requests for Production on Defendants Gary Reinhart, Rebecca Adams, and Albert J. Dooley, III. Attached hereto as Exhibit C is a true and accurate copy of Plaintiffs’ First Set of Requests for Production of Documents and Things Propounded to Defendants Gary Reinhart, Rebecca Adams, and Albert J. Dooley, III.

15. Defendants have not responded to any of Plaintiffs’ discovery requests.

16. Plaintiffs’ discovery requests are designed to uncover information directly relevant to determining whether Defendants continue to engage in actions that violate the rights of indigent defendants in Lexington County’s magistrate courts. Thus, the requests are likely to assist Plaintiffs in raising genuine, triable issues of material fact.

17. For example, Plaintiffs have asked for production of documents to determine whether Defendant Lexington County is continuing to inadequately fund the Lexington County Public Defender’s Office. *See* Exhibit A at Requests for Production (“RFPs”) Nos. 9, 25, 28.

18. Likewise, Plaintiffs have asked for production of documents to determine whether Robert Madsen is still failing to allocate the funding and resources necessary to ensure proper representation of indigent people facing trial and incarceration in the Lexington County magistrate courts. *See id.* at RFPs Nos. 5–9, 24–25, 28.

19. Plaintiffs have also asked for production of documents to determine the number and kind of active bench warrants that have been issued by the Lexington County magistrate courts, which can be served at any time and result in the immediate arrest and incarceration in the Lexington County Detention Center. *See* Exhibit B at RFPs Nos. 22–27, 29, 32–34; *see also* Exhibit C at RFPs Nos. 3, 20, 38–40, 43, 45.

20. Plaintiffs’ discovery requests also seek production of documents to determine whether the Lexington County Sheriff’s Department is continuing to arrest and incarcerate indigent people in the Detention Center pursuant to those bench warrants without providing ability-to-pay hearings or access to legal representation. *See* Exhibit B at RFPs Nos. 4, 32–33.

21. Plaintiffs have further asked for production of any documents relating to changes in Defendants’ policies, practices, procedures, instructions, guidance or training in response to the Chief Justice’s Memorandum. *See* Exhibit A at RFPs Nos. 29–31; *see also* Exhibit B at RFPs Nos. 39–40; *see also* Exhibit C at RFPs Nos. 48–49. These requests are designed to determine whether Defendants have actually taken any steps to voluntarily cease their unconstitutional actions in response to the memorandum and if so, the extent of those steps.

22. For example, Plaintiffs are seeking to determine whether Defendants Lexington County and Madsen are now providing adequate funding and allocation of resources for legal representation to indigent criminal defendants during court proceedings. *See* Exhibit A at RFPs Nos. 29–31.

23. Plaintiffs also seek to determine whether Defendants Adams and Dooley are now providing adequate notice to indigent people of their right to counsel and to provide pre-deprivation ability-to-pay hearings prior to incarceration. *See* Exhibit C at RFPs Nos. 6–9, 15, 25–26.

24. Plaintiffs further seek to determine whether Defendant Koon has stopped enforcing bench warrants that are based solely on a report of failure to pay court-ordered legal financial obligations to the Lexington County magistrate courts. *See* Exhibit B at RFPs Nos. 39–40.

25. These discovery requests and others are targeted, relevant, and necessary for clarifying the facts relating to Plaintiffs’ declaratory and injunctive relief claims, and are thus likely to assist Plaintiffs in raising genuine, triable issues of material fact.

**C. Plaintiffs seek to conduct depositions of Defendants concerning their ongoing conduct.**

26. Due to the early nature of Defendants’ motion, Plaintiffs have not had an opportunity to conduct any depositions in this matter.

27. Once they receive complete answers to their discovery requests along with responsive documents, Plaintiffs will request an opportunity to depose Defendant Lexington County regarding its current and future funding of the Lexington County Public Defender’s Office.

28. Plaintiffs also request an opportunity to depose Defendant Robert Madsen regarding the allocation of resources necessary for providing representation to indigent people facing incarceration for money owed to Lexington County magistrate courts; his receipt and/or knowledge of the Chief Justice's Memorandum; and whether any steps have been taken in response to the memorandum to ensure that indigent people receive adequate representation by court-appointed counsel before incarceration for nonpayment of money owed to Lexington County magistrate courts.

29. Plaintiffs will also request an opportunity to depose Defendants Reinhart, Adams, and Dooley regarding the policies, practices, and procedures of the Lexington County magistrate courts to provide indigent people notice of their right to counsel and to provide pre-deprivation ability-to-pay hearings prior to incarceration; their receipt and/or knowledge of the Chief Justice's Memorandum; whether any steps have been taken in response to that memorandum to ensure that the policies, practices, and procedures of the magistrate courts sufficiently provide indigent people notice of their right to counsel and pre-deprivation ability-to-pay hearings prior to incarceration; and whether the magistrate courts are continuing to issue bench warrants that order the arrest and incarceration of indigent people for nonpayment of money owed to the magistrate courts.


30. Plaintiffs will also request an opportunity to depose Defendant Koon regarding his current and future enforcement of bench warrants issued by the Lexington County magistrate courts; whether any steps have been taken in response to Chief Justice Beatty's memorandum to ensure that the enforcement of these bench warrants does not result in the unconstitutional incarceration of indigent people in the Lexington County Detention Center; and whether the

Sheriff's Department is continuing to enforce bench warrants issued by the Lexington County magistrate courts for nonpayment of money owed.

**D. The documents and testimony obtained through discovery will likely create genuine issues of material fact.**

31. Based on information already obtained by Plaintiffs through public sources, it is likely that the aforementioned discovery will assist Plaintiffs in creating genuine, triable issues of material fact on the following questions: (a) whether Defendants have actually ceased all of the allegedly unlawful conduct detailed in the Amended Complaint following the issuance of the Chief Justice's Memorandum; and (b) whether Defendants no longer have the capacity and authority to engage in the allegedly unlawful conduct detailed in the Amended Complaint following the issuance of the Chief Justice's Memorandum.

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 Seattle, Washington on this 12th day of October, 2017.

By:   
Toby J. Marshall, WSBA #32726



# **EXHIBIT A**

**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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**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND THINGS PROPOUNDED TO DEFENDANTS  
LEXINGTON COUNTY, SOUTH CAROLINA, AND ROBERT MADSEN**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the following First Set of Requests for Production of Documents (collectively, the "First Requests for Production") are propounded to you and your attorneys of record. These First Requests for Production are intended to draw upon the combined knowledge of you, your agents, and your attorneys.

1. Requests for Production of Documents

Pursuant to Rule 34, you are directed to provide a written response to these Requests for Production of Documents and produce and make available for inspection and copying all of the documents requested herein in their original state and condition at the offices of Terrell Marshall Law Group PLLC, 936 North 34th Street, Suite 300, Seattle, Washington, 98103, thirty (30) days after service of this request, or at such other time and place as may be mutually agreed upon by the parties. Deliver each document produced in a manner that preserves its sequential relationship with other documents being produced, including the file folder and folder tab associated with its file location, and if not apparent on the folder or tab, accompanied by identification of the person or department from whose files it was taken and such additional

source information as is necessary to enable the parties to determine the document's original pre-production location.

When documents are produced pursuant to these First Discovery Requests, the documents are to be produced in a manner so that the particular request to which they are responsive can be readily identified.

These Requests for Production of Documents are continuing in nature. In accordance with Rule 26, you are requested to supplement your responses to these requests in the event that new or additional information within their scope becomes known to you.

If any document is withheld under a claim of privilege, please:

- a. Identify such document with sufficient particularity as to author(s), addressee(s), recipient(s), and subject matter and contents to allow the matter to be brought before the court;
- b. State the nature of the privilege(s) asserted; and
- c. State in detail the factual basis for the claim of privilege.

## **I. DEFINITIONS**

Throughout these Discovery Requests, including the definition of terms, the words used in the masculine gender include the feminine, and the words used in the singular include the plural. Wherever the word "or" appears herein, the meaning intended is the logical inclusive "or" — that is, "and/or." Wherever the word "including" appears, the meaning intended is "including but not limited to."

As used throughout these Discovery Requests, the following terms have the following indicated meanings:

1. “ACCUSED PERSON” means a person who is being or has been prosecuted in a LEXINGTON COUNTY MAGISTRATE COURT on charges that allow for the imposition of LFOs upon conviction.

2. “ALL” means “EVERY” and includes “EACH” and “ANY,” and vice versa.

3. “BENCH WARRANT” refers to a warrant of arrest issued by LEXINGTON COUNTY MAGISTRATE COURTS to order the arrest and incarceration of an ACCUSED PERSON.

4. “COMPLAINT” refers to the operative complaint filed by PLAINTIFFS in this proceeding.

5. “CORRESPONDENCE” includes ALL letters, telegrams, notices, messages, or other WRITTEN COMMUNICATIONS or memoranda, including electronic communications, or other records of conversations, meetings, conferences or other oral communications.

6. “DATE” shall mean the exact day, month, and year if ascertainable or, if not, the best approximation, including ANY known relationship to other events.

7. The term “DOCUMENT” or “WRITTEN COMMUNICATION” means all written or graphic matter, however produced, or reproduced, of EVERY kind and description in YOUR actual or constructive possession, custody, care or control. This includes the complete original (or complete copy if the original is not available) and EACH non-identical copy regardless of origin or location. “DOCUMENT” is intended to have the same meaning as in Civil Rule 34, including, without limitation: writings, CORRESPONDENCE, electronic mail (email) messages and attachments, Internet messages, intranet messages, text messages, Twitter™ messages, messages or postings on social networking websites (including but not limited to websites such as Facebook™ and MySpace™), blog postings, web pages, voicemails,

data and files sent from, received by or stored on smartphones, tablets or other mobile computing devices (including but not limited to Blackberry™, iPhone™, Android™, iPad™, Galaxy Tab™, Velocity Micro Cruz™ and HP TouchPad™), facsimiles, books, pamphlets, periodicals, reports, blueprints, sketches, laser discs, magnetic discs, flash drives, magnetic strips, microfiche, invoices, statements, minutes, purchase orders, contracts, vouchers, checks, charge slips, expense account reports, hotel charges, receipts, working papers, memoranda, messages, notes, envelopes, business records, financial statements, agreements, leases, drawings, graphs, charts, drafts, maps, surveys, plats, statistical records, cost sheets, calendars, appointment books, diaries, time sheets or logs, telephone records or logs, facsimile logs, photographs, sound tapes or recordings, films, tapes, computer printouts and ANY other data, including without limitation, data stored electronically or by other technical means for use with computers or otherwise from which information can be obtained or translated through detection devices into reasonably usable form, or ANY other tangible thing that constitutes or contains matters contained within the scope of Civil Rule 26(b). If a DOCUMENT has been prepared in several copies which are for ANY reason not identical, or if the original identical copies are no longer identical by reason of subsequent notation or other modification of ANY kind whatsoever, including but not limited to notations on the backs of pages thereto, EACH non-identical copy is a separate DOCUMENT. DOCUMENTS shall also include ELECTRONICALLY STORED INFORMATION (“ESI”) and ANY electronically stored data on magnetic or optical storage media as an “active” file or files (readily readable by one or more computer applications or forensics software); ANY “deleted” but recoverable electronic files on said media; ANY electronic file fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from random access memory on a hard drive during the normal operation of a computer [RAM

slack] or residual data left on the hard drive after new data has overwritten some but not all of previously stored data).

8. “DEFENDANTS” means LEXINGTON COUNTY, South Carolina, Gary Reinhart, Rebecca Adams, Albert John Dooley, III, Bryan Koon, and Robert Madsen, and DEFENDANTS’ attorneys, and ANY employees, agents, or PERSONS working on DEFENDANTS’ behalf, and if applicable, DEFENDANTS’ subsidiaries, predecessors or assignors, as well as ANY directors, officers, employees, agents, partners, or PERSONS acting on behalf of DEFENDANTS.

9. “IDENTIFY” when referring to a DOCUMENT or WRITTEN COMMUNICATION means to state:

- a. The description of such DOCUMENTS or writings in sufficient detail in order to enable them to be identified by subpoena duces tecum;
- b. The title and EACH subtitle thereof;
- c. The DATE and number of pages thereof;
- d. A brief summary of the contents;
- e. The author, EACH addressee, and the distribution list thereof;
- f. The IDENTITY of EACH PERSON who witnessed, or was in a position to witness said communication;
- g. The DATE on which the document was prepared or signed;
- h. The physical location of the document and the name and address of its custodian or custodians;
- i. The IDENTITY of EACH document referenced by this document;

j. The source of (or the IDENTITY of EACH PERSON who supplied) ANY information contained therein; and

k. If ANY such document was, but is no longer in YOUR possession or subject to YOUR control, what disposition was made of it and the reason for its disposition.

10. “IDENTIFY” when referring to a meeting means, for EACH such MEETING, to state:

a. The date and hour when held;

b. The address where held;

c. The IDENTITY of EACH PERSON who represented YOU at EACH MEETING or conference;

d. The IDENTITY of ANY other PERSON present; and

e. EACH action taken, decision made, agreement reached or topic discussed at the MEETING or conference.

11. “IDENTIFY” when referring to oral communications means to state, with respect thereto, ANY communication or portion thereof between ANY two or more PERSONS that is not or was not recorded, including, but not limited to, telephone conversations, face-to-face conversations, meetings, and conferences. State the PERSONS involved, the DATE, the setting, and the circumstances.

12. “IDENTIFY” or “IDENTITY” when referring to a person means to state:

a. His/her full name;

b. His/her present residence address;

c. His/her present residence telephone number;

d. His/her present business address;

e. If his/her present residence or business address is unknown, state his/her last known residence address and residence telephone number, his/her last known business affiliation and business address, and ANY information YOU have that might reasonably lead to the discovery of his/her present whereabouts; and

f. With respect to PERSONS who are not natural PERSONS, state the last known complete address, including zip code, the last known complete telephone number, including the area code, of its headquarters, and its nearest or local office or agent.

13. "INDIVIDUAL," "PERSON," or "PERSONS" shall mean natural PERSONS, proprietorships, sole proprietorships, corporations, nonprofit corporations, municipal corporations, local, state, federal or foreign governments or governmental agencies, political subdivisions, general or limited partnerships, business trusts, trusts, estates, clubs, groups, unincorporated associations, or other business or public organizations.

14. "INTERGOVERNMENTAL AGREEMENT" means an agreement between LEXINGTON COUNTY and any other unit of government RELATING TO: (a) the arrest of ACCUSED PERSONS; (b) the use of LEXINGTON COUNTY jail facilities to incarcerate INDIVIDUALS convicted of crimes charged by any other unit of government.

15. "LEXINGTON COUNTY" means Defendant Lexington County, South Carolina, including but not limited to Lexington County's council members, employees, representatives, agents, commissioners, administrators, and PUBLIC DEFENDERS; Lexington County's attorneys; and any PERSONS acting on behalf of Lexington County.

16. "LEXINGTON COUNTY MAGISTRATE COURT" or "MAGISTRATE COURT" means any magistrate court operating within Lexington County, including but not limited to the magistrate court divisions of Batesburg-Leesville Magistrate Court, Cayce-West



Columbia Magistrate Court, Irmo Magistrate Court, Lexington Magistrate Court, Lexington Central Traffic Court, Oak Grove Magistrate Court, Swansea Magistrate Court, and the Bond Court located at the Lexington County Detention Center.

17. “LEXINGTON COUNTY SHERIFF’S DEPARTMENT” or “SHERIFF’S DEPARTMENT” means ANY employee, representative, agent, commissioner, or administrator of the LEXINGTON COUNTY SHERIFF’S DEPARTMENT or Lexington County Detention Center, including but not limited to Defendant Bryan Koon, law enforcement officers, guards, courthouse security, attorneys, volunteers, or staff.

18. “LFOs” means legal financial obligations imposed by a LEXINGTON COUNTY MAGISTRATE COURT as part of a criminal or traffic sentence and includes fines, fees, assessments, penalties, costs, and restitution.

19. “PLAINTIFFS” means Plaintiffs, Plaintiffs’ attorneys, and ANY employees, agents, or PERSONS working on behalf of Plaintiffs.

20. “PUBLIC DEFENDER” means an attorney employed by the Lexington County Public Defender’s Office or appointed, assigned, or provided by LEXINGTON COUNTY or the Circuit Public Defender for the Eleventh Judicial Circuit of South Carolina to represent an ACCUSED PERSON.

21. “PUBLIC DEFENSE CASE” means a case in which a PUBLIC DEFENDER has been appointed to represent an ACCUSED PERSON.

22. “PUBLIC DEFENSE SERVICES” means the services performed by a PUBLIC DEFENDER and his or her staff members for the purpose of providing legal representation to an ACCUSED PERSON.

23. “RELATING TO” or “REFERRING TO” (including other verb tenses of those terms) means describing, evidencing, constituting, reflecting, showing, comprising, considering, concerning, discussing, regarding, setting forth, studying, analyzing, commenting upon, recommending, alluding to, or mentioning, in whole or in part.

24. “SHOW CAUSE HEARING” means any LEXINGTON COUNTY MAGISTRATE COURT hearing at which the court considers the allegation that an ACCUSED PERSON has not paid previously imposed LFOs, including but not limited to hearings for ACCUSED PERSONS in custody for failure to pay LFOs, and other similar proceedings, conducted in a LEXINGTON COUNTY MAGISTRATE COURT.

25. “YOU” and “YOUR” means Defendants LEXINGTON COUNTY and Robert Madsen, LEXINGTON COUNTY’S attorneys, LEXINGTON COUNTY’S employees, representatives or agents, and any PERSONS acting on behalf of LEXINGTON COUNTY.

## **II. RELEVANT TIME PERIOD**

Unless otherwise stated, the relevant time period for these discovery requests is from June 1, 2014 to the present.

## **III. REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** Please produce ALL CORRESPONDENCE, including emails, between the following INDIVIDUALS and ANY other INDIVIDUAL REFERRING OR RELATING TO LFOs, BENCH WARRANTS, LEXINGTON COUNTY MAGISTRATE COURTS, or revenue generated through cases prosecuted in LEXINGTON COUNTY MAGISTRATE COURTS:

- a. Scott Whetstone, Lexington County Council Member
- b. Paul Lawrence Brigham, Jr., Lexington County Council Member
- c. Darrell Hudson, Lexington County Council Member

- d. Debra B. Summers, Lexington County Council Vice Chairman
- e. Bobby C. Keisler, Lexington County Council Member
- f. Erin Long Bergeson, Lexington County Council Member
- g. Phillip Heyward Yarborough, Lexington County Council Member
- h. Ned Randall Tolar, Lexington County Council Member
- i. M. Todd Cullum, Lexington County Council Chairman
- j. Joe Mergo, III, Lexington County Administrator
- k. Chris Folsom, Lexington County Deputy Administrator
- l. Jim Eckstrom, Lexington County Treasurer

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 2:** Please produce ALL CORRESPONDENCE, including emails, between the following INDIVIDUALS and ANY other INDIVIDUAL REFERRING OR RELATING TO LFOs, BENCH WARRANTS, or revenue generated through cases prosecuted in LEXINGTON COUNTY MAGISTRATE COURTS:

- a. Robert Madsen, Eleventh Circuit Public Defender
- b. Sally J. Henry, Deputy Public Defender
- c. Samuel Richardson Hubbard, III, Eleventh Circuit Solicitor
- d. Donnie Meyers, Former Eleventh Circuit Solicitor
- e. ANY other PERSON who served as a Lexington County Council Member, Administrator, Treasurer, Public Defender, or Solicitor at any point from June 1, 2014, to the present.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 3:** Please produce ALL CORRESPONDENCE, including emails, between the following INDIVIDUALS and ANY other INDIVIDUAL REFERRING OR RELATING TO LFOs, BENCH WARRANTS, revenue generated through cases prosecuted in LEXINGTON COUNTY MAGISTRATE COURTS; ALL letters or WRITTEN COMMUNICATIONS that the following INDIVIDUALS received from ACCUSED PERSONS REFERRING OR RELATING TO LFOs; and ALL WRITTEN COMMUNICATIONS that the following INDIVIDUALS sent in response to those letters:

- a. Hon. Gary Reinhart, Magistrate and former Chief Magistrate
- b. Hon. Rebecca Adams, Chief Magistrate
- c. Hon. Albert J. Dooley, III, Associate Chief Magistrate
- d. Hon. Bradley S. Melton, Magistrate
- e. Hon. Gary S. Morgan, Magistrate
- f. Hon. Scott Whittle, Magistrate
- g. Hon. Matthew Johnson, Magistrate
- h. Hon. Arthur L. Myers, Magistrate
- i. Hon. Brian N. Buck, Magistrate
- j. Ed Lewis, Chief Court Administrator
- k. Colleen Long, Deputy Court Administrator
- l. Lisa Comer, Lexington County Clerk of Court

m. ANY other PERSON who served as a Lexington County Magistrate, Court Administrator, or Clerk of Court at any point from June 1, 2014, to the present.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 4:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, procedures, instructions, guidance, training materials, or other documents that LEXINGTON COUNTY prepared, reviewed, used, or provided to others regarding LFOs and BENCH WARRANTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 5:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, procedures, instructions, guidance, training materials, or other documents that attorneys or staff of the Circuit Public Defender for the Eleventh Judicial Circuit of South Carolina and the Lexington County Public Defender's Office prepared, reviewed, used, or provided to others regarding LFOs, including but not limited to all such documents pertaining to the representation of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 6:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the training of PUBLIC DEFENDERS in the representation

of ACCUSED PERSONS, including but not limited to proceedings involving the imposition or collection of LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 7:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO monitoring or supervising PUBLIC DEFENDERS in the representation of ACCUSED PERSONS, including but not limited to proceedings involving the imposition or collection of LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 8:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the responsibilities of PUBLIC DEFENDERS concerning inmates incarcerated in the Lexington County Detention Center.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 9:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the funding of PUBLIC DEFENDERS for the representation of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 10:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, or procedures of the Lexington County Solicitor's Office regarding LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 11:** Please produce ALL forms used by the Lexington County Public Defender's Office to assess the ability of ACCUSED PERSONS to pay LFOs at any time, including in connection with sentencing hearings and SHOW CAUSE HEARINGS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 12:** Please produce ALL DOCUMENTS used by the Circuit Public Defender for the Eleventh Judicial Circuit of South Carolina and the Lexington County Public Defender's Office to assess the eligibility of ACCUSED PERSONS to be represented by a PUBLIC DEFENDER.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 13:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, or procedures of the Circuit Public

Defender for the Eleventh Judicial Circuit of South Carolina and the Lexington County Public Defender's Office regarding any application fees, charges, or costs imposed on ANY individual applying for representation by a PUBLIC DEFENDER, including but not limited to ACCUSED PERSONS, and ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, or procedures of the Circuit Public Defender for the Eleventh Judicial Circuit of South Carolina and the Lexington County Public Defender's Office regarding waiver of those charges, fees, or costs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 14:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the revenue generated by imposing any public defender application fees, charges, or costs on ANY individual who has applied for representation by a PUBLIC DEFENDER at any stage of a case arising out of criminal or traffic charges prosecuted in the LEXINGTON COUNTY MAGISTRATE COURT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 15:** Please produce ALL DOCUMENTS IDENTIFYING (a) the ACCUSED PERSONS who have applied for representation by the Lexington County Public Defender's Office, (b) whether EACH such ACCUSED PERSON was approved for representation, (c) the LEXINGTON COUNTY MAGISTRATE COURT in which the ACCUSED PERSON faced a charge, and (d) the charge type.



**ANSWER:**

**REQUEST FOR PRODUCTION NO. 16:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the number of ACCUSED PERSONS who have been denied representation by the Lexington County Public Defender's Office, and ALL DOCUMENTS REFERRING OR RELATING TO the reasons for those denials, the Lexington County magistrate court in which the individual faced a charge, and the charge type.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 17:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Twanda Brown (listed in various court records as Twanda M. Brown, Twanda Marshinda Brown, Twanda Loshonda Brown, and Tawanda Brown), including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, bench warrants, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 18:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Sasha Darby, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, bench warrants, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 19:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Cayeshia Johnson, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, bench warrants, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 20:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Amy Palacios, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, bench warrants, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 21:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Xavier Goodwin, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, bench warrants, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 22:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Raymond Wright, Jr., including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, bench warrants, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 23:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Nora Corder, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, bench warrants, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 24:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the caseload of EACH PUBLIC DEFENDER, the number of hours worked by that PUBLIC DEFENDER annually, the number of hours worked annually by that PUBLIC DEFENDER on cases in the LEXINGTON COUNTY MAGISTRATE COURT, and the amount of time spent on each case in the MAGISTRATE COURT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 25:** Please produce ALL contracts for public defense services entered into between LEXINGTON COUNTY and ANY PUBLIC DEFENDER who has provided PUBLIC DEFENSE SERVICES for ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 26:** Please produce ALL DATA and reports in YOUR possession REFERRING OR RELATING TO LFOs, including but not limited to information YOU have provided to external entities such as the South Carolina Office of Court Administration, South Carolina Supreme Court, South Carolina Attorney General's Office, South Carolina Commission on Indigent Defense, and South Carolina Commission on Prosecution Coordination.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 27:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the amount of money collected by LEXINGTON COUNTY, any LEXINGTON COUNTY MAGISTRATE COURT, or by the LEXINGTON COUNTY SHERIFF'S DEPARTMENT as a result of LFOs imposed on defendants in MAGISTRATE COURT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 28:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO YOUR decisions regarding budgeting for the operation of the Lexington County Public Defender’s Office, including but not limited to reports, analyses, and communications regarding actual or projected revenue, sources of revenue, and expenditures.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 29:** Please produce ALL DOCUMENTS, including but not limited to emails, letters, memoranda, or other WRITTEN COMMUNICATIONS, REFERRING OR RELATING TO the September 15, 2017, memorandum of Supreme Court of South Carolina Chief Justice Donald W. Beatty with the subject, “Sentencing Unrepresented Defendants to Imprisonment.” *See* ECF No. 40–1.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 30:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, procedures, instructions, guidance, training materials, or other documents that LEXINGTON COUNTY prepared, reviewed, used, or provided to others in response to the September 15, 2017, memorandum of Supreme Court of South Carolina Chief Justice Donald W. Beatty with the subject, “Sentencing Unrepresented Defendants to Imprisonment.” *See* ECF No. 40–1.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 31:** Please produce ALL DOCUMENTS

REFERRING OR RELATING TO the policies, practices, procedures, instructions, guidance, training materials, or other documents that attorneys or staff of the Circuit Public Defender for the Eleventh Judicial Circuit of South Carolina and/or the Lexington County Public Defender's Office prepared, reviewed, used, or provided to others in response to the September 15, 2017, memorandum of Supreme Court of South Carolina Chief Justice Donald W. Beatty with the subject, "Sentencing Unrepresented Defendants to Imprisonment." See ECF No. 40-1.

**ANSWER:**

DATED this 6th day of October, 2017.

Respectfully submitted by,

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

s/ Susan K. Dunn

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Nusrat Jahan Choudhury, *Admitted Pro Hac Vice*

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*Attorneys for Plaintiffs*

# **EXHIBIT B**



**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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**PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND THINGS PROPOUNDED  
TO DEFENDANT BRYAN KOON**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the following First Set of Requests for Production of Documents (collectively, the “First Requests for Production”) are propounded to you and your attorneys of record. These First Requests for Production are intended to draw upon the combined knowledge of you, your agents, and your attorneys.

1. Requests for Production of Documents

Pursuant to Rule 34, you are directed to provide a written response to these Requests for Production of Documents and produce and make available for inspection and copying all of the documents requested herein in their original state and condition at the offices of Terrell Marshall Law Group PLLC, 936 North 34th Street, Suite 300, Seattle, Washington, 98103, thirty (30) days after service of this request, or at such other time and place as may be mutually agreed upon by the parties. Deliver each document produced in a manner that preserves its sequential relationship with other documents being produced, including the file folder and folder tab associated with its file location, and if not apparent on the folder or tab, accompanied by identification of the person or department from whose files it was taken and such additional

source information as is necessary to enable the parties to determine the document's original pre-production location.

When documents are produced pursuant to these First Discovery Requests, the documents are to be produced in a manner so that the particular request to which they are responsive can be readily identified.

These Requests for Production of Documents are continuing in nature. In accordance with Rule 26, you are requested to supplement your responses to these requests in the event that new or additional information within their scope becomes known to you.

If any document is withheld under a claim of privilege, please:

- a. Identify such document with sufficient particularity as to author(s), addressee(s), recipient(s), and subject matter and contents to allow the matter to be brought before the court;
- b. State the nature of the privilege(s) asserted; and
- c. State in detail the factual basis for the claim of privilege.

## **I. DEFINITIONS**

Throughout these Discovery Requests, including the definition of terms, the words used in the masculine gender include the feminine, and the words used in the singular include the plural. Wherever the word "or" appears herein, the meaning intended is the logical inclusive "or" — that is, "and/or." Wherever the word "including" appears, the meaning intended is "including but not limited to."

As used throughout these Discovery Requests, the following terms have the following indicated meanings:

1. “ACCUSED PERSON” means a person who is being or has been prosecuted in a LEXINGTON COUNTY MAGISTRATE COURT on charges that allow for the imposition of LFOs upon conviction.

2. “ALL” means “EVERY” and includes “EACH” and “ANY,” and vice versa.

3. “BENCH WARRANT” refers to a warrant of arrest issued by LEXINGTON COUNTY MAGISTRATE COURTS to order the arrest and incarceration of an ACCUSED PERSON.

4. “COMPLAINT” refers to the operative complaint filed by PLAINTIFFS in this proceeding.

5. “CORRESPONDENCE” includes ALL letters, telegrams, notices, messages, or other WRITTEN COMMUNICATIONS or memoranda, including electronic communications, or other records of conversations, meetings, conferences or other oral communications.

6. “DATE” shall mean the exact day, month, and year if ascertainable or, if not, the best approximation, including ANY known relationship to other events.

7. The term “DOCUMENT” or “WRITTEN COMMUNICATION” means all written or graphic matter, however produced, or reproduced, of EVERY kind and description in YOUR actual or constructive possession, custody, care or control. This includes the complete original (or complete copy if the original is not available) and EACH non-identical copy regardless of origin or location. “DOCUMENT” is intended to have the same meaning as in Civil Rule 34, including, without limitation: writings, CORRESPONDENCE, electronic mail (email) messages and attachments, Internet messages, intranet messages, text messages, Twitter™ messages, messages or postings on social networking websites (including but not limited to websites such as Facebook™ and MySpace™), blog postings, web pages, voicemails,

data and files sent from, received by or stored on smartphones, tablets or other mobile computing devices (including but not limited to Blackberry™, iPhone™, Android™, iPad™, Galaxy Tab™, Velocity Micro Cruz™ and HP TouchPad™), facsimiles, books, pamphlets, periodicals, reports, blueprints, sketches, laser discs, magnetic discs, flash drives, magnetic strips, microfiche, invoices, statements, minutes, purchase orders, contracts, vouchers, checks, charge slips, expense account reports, hotel charges, receipts, working papers, memoranda, messages, notes, envelopes, business records, financial statements, agreements, leases, drawings, graphs, charts, drafts, maps, surveys, plats, statistical records, cost sheets, calendars, appointment books, diaries, time sheets or logs, telephone records or logs, facsimile logs, photographs, sound tapes or recordings, films, tapes, computer printouts and ANY other data, including without limitation, data stored electronically or by other technical means for use with computers or otherwise from which information can be obtained or translated through detection devices into reasonably usable form, or ANY other tangible thing that constitutes or contains matters contained within the scope of Civil Rule 26(b). If a DOCUMENT has been prepared in several copies which are for ANY reason not identical, or if the original identical copies are no longer identical by reason of subsequent notation or other modification of ANY kind whatsoever, including but not limited to notations on the backs of pages thereto, EACH non-identical copy is a separate DOCUMENT. DOCUMENTS shall also include ELECTRONICALLY STORED INFORMATION (“ESI”) and ANY electronically stored data on magnetic or optical storage media as an “active” file or files (readily readable by one or more computer applications or forensics software); ANY “deleted” but recoverable electronic files on said media; ANY electronic file fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from random access memory on a hard drive during the normal operation of a computer [RAM

slack] or residual data left on the hard drive after new data has overwritten some but not all of previously stored data).

8. “DEFENDANTS” means LEXINGTON COUNTY, South Carolina, Gary Reinhart, Rebecca Adams, Albert John Dooley, III, Bryan Koon, and Robert Madsen, and DEFENDANTS’ attorneys, and ANY employees, agents, or PERSONS working on DEFENDANTS’ behalf, and if applicable, DEFENDANTS’ subsidiaries, predecessors or assignors, as well as ANY directors, officers, employees, agents, partners, or PERSONS acting on behalf of DEFENDANTS.

9. “IDENTIFY” when referring to a DOCUMENT or WRITTEN COMMUNICATION means to state:

- a. The description of such DOCUMENTS or writings in sufficient detail in order to enable them to be identified by subpoena duces tecum;
- b. The title and EACH subtitle thereof;
- c. The DATE and number of pages thereof;
- d. A brief summary of the contents;
- e. The author, EACH addressee, and the distribution list thereof;
- f. The IDENTITY of EACH PERSON who witnessed, or was in a position to witness said communication;
- g. The DATE on which the document was prepared or signed;
- h. The physical location of the document and the name and address of its custodian or custodians;
- i. The IDENTITY of EACH document referenced by this document;

j. The source of (or the IDENTITY of EACH PERSON who supplied) ANY information contained therein; and

k. If ANY such document was, but is no longer in YOUR possession or subject to YOUR control, what disposition was made of it and the reason for its disposition.

10. "IDENTIFY" when referring to a meeting means, for EACH such MEETING, to state:

a. The date and hour when held;

b. The address where held;

c. The IDENTITY of EACH PERSON who represented YOU at EACH MEETING or conference;

d. The IDENTITY of ANY other PERSON present; and

e. EACH action taken, decision made, agreement reached or topic discussed at the MEETING or conference.

11. "IDENTIFY" when referring to oral communications means to state, with respect thereto, ANY communication or portion thereof between ANY two or more PERSONS that is not or was not recorded, including, but not limited to, telephone conversations, face-to-face conversations, meetings, and conferences. State the PERSONS involved, the DATE, the setting, and the circumstances.

12. "IDENTIFY" or "IDENTITY" when referring to a person means to state:

a. His/her full name;

b. His/her present residence address;

c. His/her present residence telephone number;

d. His/her present business address;

e. If his/her present residence or business address is unknown, state his/her last known residence address and residence telephone number, his/her last known business affiliation and business address, and ANY information YOU have that might reasonably lead to the discovery of his/her present whereabouts; and

f. With respect to PERSONS who are not natural PERSONS, state the last known complete address, including zip code, the last known complete telephone number, including the area code, of its headquarters, and its nearest or local office or agent.

13. "INDIVIDUAL," "PERSON," or "PERSONS" shall mean natural PERSONS, proprietorships, sole proprietorships, corporations, nonprofit corporations, municipal corporations, local, state, federal or foreign governments or governmental agencies, political subdivisions, general or limited partnerships, business trusts, trusts, estates, clubs, groups, unincorporated associations, or other business or public organizations.

14. "INTERGOVERNMENTAL AGREEMENT" means an agreement between LEXINGTON COUNTY and ANY other unit of government RELATING TO: (a) the arrest of ACCUSED PERSONS; (b) the use of LEXINGTON COUNTY jail facilities to incarcerate INDIVIDUALS convicted of crimes charged by ANY other unit of government.

15. "LEXINGTON COUNTY" means Defendant Lexington County, South Carolina, including but not limited to Lexington County's council members, employees, representatives, agents, commissioners, administrators, and PUBLIC DEFENDERS; Lexington County's attorneys; and ANY PERSONS acting on behalf of Lexington County.

16. "LEXINGTON COUNTY MAGISTRATE COURT" or "MAGISTRATE COURT" means ANY magistrate court operating within Lexington County, including but not limited to the magistrate court divisions of Batesburg-Leesville Magistrate Court, Cayce-West

Columbia Magistrate Court, Irmo Magistrate Court, Lexington Magistrate Court, Lexington Central Traffic Court, Oak Grove Magistrate Court, Swansea Magistrate Court, and the Bond Court located at the Lexington County Detention Center.

17. “LEXINGTON COUNTY SHERIFF’S DEPARTMENT” or “SHERIFF’S DEPARTMENT” means ANY employee, representative, agent, commissioner, or administrator of the LEXINGTON COUNTY SHERIFF’S DEPARTMENT or Lexington County Detention Center, including but not limited to Defendant Bryan Koon, law enforcement officers, guards, courthouse security, attorneys, volunteers, or staff.

18. “LFOs” means legal financial obligations imposed by a LEXINGTON COUNTY MAGISTRATE COURT as part of a criminal or traffic sentence and includes fines, fees, assessments, penalties, costs, and restitution.

19. “PLAINTIFFS” means Plaintiffs, Plaintiffs’ attorneys, and ANY employees, agents, or PERSONS working on behalf of Plaintiffs.

20. “PUBLIC DEFENDER” means an attorney employed by the Lexington County Public Defender’s Office or appointed, assigned, or provided by LEXINGTON COUNTY or the Circuit Public Defender for the Eleventh Judicial Circuit of South Carolina to represent an ACCUSED PERSON.

21. “PUBLIC DEFENSE CASE” means a case in which a PUBLIC DEFENDER has been appointed to represent an ACCUSED PERSON.

22. “PUBLIC DEFENSE SERVICES” means the services performed by a PUBLIC DEFENDER and his or her staff members for the purpose of providing legal representation to an ACCUSED PERSON.



23. “RELATING TO” or “REFERRING TO” (including other verb tenses of those terms) means describing, evidencing, constituting, reflecting, showing, comprising, considering, concerning, discussing, regarding, setting forth, studying, analyzing, commenting upon, recommending, alluding to, or mentioning, in whole or in part.

24. “SHOW CAUSE HEARING” means ANY LEXINGTON COUNTY MAGISTRATE COURT hearing at which the court considers the allegation that an ACCUSED PERSON has not paid previously imposed LFOs, including but not limited to hearings for ACCUSED PERSONS in custody for failure to pay LFOs, and other similar proceedings, conducted in a LEXINGTON COUNTY MAGISTRATE COURT.

25. “YOU” and “YOUR” means Defendant Bryan Koon, YOUR attorneys, employees, representatives or agents, and any PERSONS acting on behalf of YOU.

## **II. RELEVANT TIME PERIOD**

Unless otherwise stated, the relevant time period for these discovery requests is from June 1, 2014, to the present.

## **III. REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** Please produce ALL non-privileged CORRESPONDENCE, including emails, between the following INDIVIDUALS and ANY other INDIVIDUAL REFERRING OR RELATING TO LFOs, BENCH WARRANTS, or revenue generated through cases prosecuted in LEXINGTON COUNTY MAGISTRATE COURTS:

- a. Sheriff Bryan Koon
- b. Former Sheriff James Metts
- c. Chief Gregg Shockley, Chief Deputy
- d. Major Bob Rolin, Major of Administration
- e. Major Kevin Jones, Detention Bureau Commander

- f. Captain Mark Joyner, Judicial Services Commander
- g. Captain Lee Marshall, Commander of Administration
- h. Lieutenant Cain Mayrant, Booking and Support Services Division Manager
- i. ANY PERSON working in the Warrant Division
- j. Vinton D. Lide, General Counsel
- k. ANY other PERSON who served in ANY of the above positions at ANY point from June 1, 2014, to the present.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 2:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, used, or provided to others regarding LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 3:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used in relation to providing hearings or other proceedings in the Bond Court at the Lexington County Detention Center to individuals arrested pursuant to a BENCH WARRANT issued by ANY LEXINGTON COUNTY MAGISTRATE COURT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 4:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used regarding the arrest, booking, incarceration, or release of persons incarcerated in the Lexington County Detention Center for non-payment of LFOs imposed by ANY LEXINGTON COUNTY MAGISTRATE COURT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 5:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Twanda Brown (listed in various court records as Twanda M. Brown, Twanda Marshinda Brown, Twanda Loshonda Brown, and Tawanda Brown), including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 6:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO ANY medical attention requested by or given to Plaintiff Twanda Brown while in the custody of the LEXINGTON COUNTY

SHERIFF'S DEPARTMENT, including but not limited to medications, feminine hygiene products, or other health-related items requested or administered, services requested from or provided by the SHERIFF'S DEPARTMENT or medical staff, and ANY emergency services rendered.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 7:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Sasha Darby, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 8:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO ANY medical attention requested by or given to Plaintiff Sasha Darby while in the custody of the LEXINGTON COUNTY SHERIFF'S DEPARTMENT, including but not limited to medications, feminine hygiene products, or other health-related items requested or administered, services requested from or provided by the SHERIFF'S DEPARTMENT or medical staff, and ANY emergency services rendered.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 9:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Cayeshia Johnson, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 10:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO ANY medical attention requested by or given to Plaintiff Cayeshia Johnson while in the custody of the LEXINGTON COUNTY SHERIFF'S DEPARTMENT, including but not limited to medications, feminine hygiene products, or other health-related items requested or administered, services requested from or provided by the SHERIFF'S DEPARTMENT or medical staff, and ANY emergency services rendered.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 11:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Amy Palacios, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 12:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO ANY medical attention requested by or given to Plaintiff Amy Palacios while in the custody of the LEXINGTON COUNTY SHERIFF'S DEPARTMENT, including but not limited to medications, feminine hygiene products, or other health-related items requested or administered, services requested from or provided by the SHERIFF'S DEPARTMENT or medical staff, and ANY emergency services rendered.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 13:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Xavier Goodwin, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 14:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO ANY medical attention requested by or given to Plaintiff Xavier Goodwin while in the custody of the LEXINGTON COUNTY SHERIFF'S DEPARTMENT, including but not limited to medications or other health-related

items requested or administered, services requested from or provided by the SHERIFF'S DEPARTMENT or medical staff, and ANY emergency services rendered.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 15:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Raymond Wright, Jr., including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 16:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO ANY medical attention requested by or given to Plaintiff Raymond Wright, Jr. while in the custody of the LEXINGTON COUNTY SHERIFF'S DEPARTMENT, including but not limited to medications or other health-related items requested or administered, services requested from or provided by the SHERIFF'S DEPARTMENT or medical staff, and ANY emergency services rendered.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 17:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Nora Corder, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 18:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO ANY medical attention requested by or given to Plaintiff Nora Corder while in the custody of the LEXINGTON COUNTY SHERIFF'S DEPARTMENT, including but not limited to medications, feminine hygiene products, or other health-related items requested or administered, services requested from or provided by the SHERIFF'S DEPARTMENT or medical staff, and ANY emergency services rendered.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 19:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO money collected from ACCUSED PERSONS who owe LFOs to LEXINGTON COUNTY MAGISTRATE COURTS by LEXINGTON COUNTY, LEXINGTON COUNTY MAGISTRATE COURTS, or the LEXINGTON COUNTY SHERIFF'S DEPARTMENT.

**ANSWER:**



**REQUEST FOR PRODUCTION NO. 20:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the amount of money received by the LEXINGTON COUNTY SHERIFF'S DEPARTMENT from LEXINGTON COUNTY or any other governmental entity as a result of the SHERIFF'S DEPARTMENT'S collection of LFOs imposed on ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 21:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the amount of money received by the LEXINGTON COUNTY SHERIFF'S DEPARTMENT from LEXINGTON COUNTY or any other governmental entity as a result of the execution of BENCH WARRANTS issued by the MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 22:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO databases, reports, or analyses created by the LEXINGTON COUNTY SHERIFFS DEPARTMENT for the purposes of maintaining or tracking BENCH WARRANTS issued by the LEXINGTON COUNTY MAGISTRATE COURTS for non-payment of LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 23:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY agreements between the LEXINGTON COUNTY MAGISTRATE COURTS and the LEXINGTON COUNTY SHERIFF'S DEPARTMENT to execute BENCH WARRANTS ordering the arrest or incarceration of ACCUSED PERSONS for non-payment of LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 24:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY INTERGOVERNMENTAL AGREEMENTS between the LEXINGTON COUNTY SHERIFF'S DEPARTMENT and ANY other governmental entity to execute BENCH WARRANTS ordering the arrest or incarceration of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 25:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY INTERGOVERNMENTAL AGREEMENTS between the LEXINGTON COUNTY SHERIFF'S DEPARTMENT and ANY other governmental entity to accept and incarcerate persons in the Lexington County Detention Center pursuant to bench warrants ordering the arrest or incarceration of those persons for non-payment of LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 26:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used related to the receipt, retention, dissemination, and/or execution of BENCH WARRANTS issued by LEXINGTON COUNTY MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 27:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used regarding the receipt, retention, dissemination, and/or execution of BENCH WARRANTS issued by ANY court other than LEXINGTON COUNTY MAGISTRATE COURTS, including but not limited to municipal courts.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 28:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used in relation to providing copies of BENCH WARRANTS to persons arrested by

the SHERIFF'S DEPARTMENT pursuant to a BENCH WARRANT, or to persons already incarcerated in the Detention Center on a separate charge.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 29:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used in relation to providing ACCUSED PERSONS arrested pursuant to a BENCH WARRANT the option of paying LFOs listed on the BENCH WARRANT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 30:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used regarding the collection of LFOs from or on behalf of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 31:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received,

reviewed, or used regarding the payment of money collected by the SHERIFF'S DEPARTMENT from or on behalf of ACCUSED PERSONS to the LEXINGTON COUNTY MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 32:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, received, reviewed, or used regarding the booking, incarceration, or release of persons jailed in the Lexington County Detention Center pursuant to BENCH WARRANTS issued by LEXINGTON COUNTY MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 33:** Please produce ALL data constituting or containing booking information for ALL ACCUSED PERSONS incarcerated in the Lexington County Detention Center pursuant to BENCH WARRANTS issued by LEXINGTON COUNTY MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 34:** Please produce ALL data kept for the purposes of maintaining, tracking, or executing BENCH WARRANTS issued for non-payment of LFOs by the LEXINGTON COUNTY MAGISTRATE COURTS, regardless of whether the BENCH WARRANT for which the data kept is currently active or has already been executed.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 35:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the daily cost of housing an inmate in the Lexington County Detention Center. The term “daily cost” in this request refers to the total cost of housing and maintaining an inmate in the Detention Center without regard to what entities are responsible for the various costs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 36:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO any payments made by ANY governmental entity other than LEXINGTON COUNTY toward the cost of housing and maintaining inmates in the Lexington County Detention Center.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 37:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, or training materials that the LEXINGTON COUNTY SHERIFF’S DEPARTMENT prepared, received, reviewed, or used regarding attorney visitation with inmates inside the Lexington County Detention Center.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 38:** Please produce ALL non-privileged CORRESPONDENCE, including emails, letters, and memoranda, or any other DOCUMENTS REFERRING OR RELATING TO inmate visitation by Toby J. Marshall, Eric R. Nusser, Susan Dunn, the ACLU, the ACLU of South Carolina, or ANY person representing or affiliated with ANY of these persons or organizations.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 39:** Please produce ALL DOCUMENTS, including but not limited to emails, letters, memoranda, or other WRITTEN COMMUNICATIONS, REFERRING OR RELATING TO the September 15, 2017, memorandum of Supreme Court of South Carolina Chief Justice Donald W. Beatty with the subject “Sentencing Unrepresented Defendants to Imprisonment.” *See* ECF No. 40–1.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 40:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, procedures, instructions, guidance, training materials, or other documents that the LEXINGTON COUNTY SHERIFF'S DEPARTMENT prepared, reviewed, used, or provided to others regarding the September 15, 2017, memorandum of Supreme Court of South Carolina Chief Justice Donald W. Beatty with the subject, "Sentencing Unrepresented Defendants to Imprisonment." See ECF No. 40-1.

**ANSWER:**

DATED this 6th day of October, 2017.

Respectfully submitted by,

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

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*Attorneys for Plaintiffs*

# **EXHIBIT C**

**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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**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND THINGS PROPOUNDED TO DEFENDANTS  
GARY REINHART, REBECCA ADAMS, AND ALBERT J. DOOLEY, III**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the following First Set of Requests for Production of Documents (collectively, the "First Requests for Production") are propounded to you and your attorneys of record. These First Requests for Production are intended to draw upon the combined knowledge of you, your agents, and your attorneys.

1. Requests for Production of Documents

Pursuant to Rule 34, you are directed to provide a written response to these Requests for Production of Documents and produce and make available for inspection and copying all of the documents requested herein in their original state and condition at the offices of Terrell Marshall Law Group PLLC, 936 North 34th Street, Suite 300, Seattle, Washington, 98103, thirty (30) days after service of this request, or at such other time and place as may be mutually agreed upon by the parties. Deliver each document produced in a manner that preserves its sequential relationship with other documents being produced, including the file folder and folder tab associated with its file location, and if not apparent on the folder or tab, accompanied by identification of the person or department from whose files it was taken and such additional

source information as is necessary to enable the parties to determine the document's original pre-production location.

When documents are produced pursuant to these First Discovery Requests, the documents are to be produced in a manner so that the particular request to which they are responsive can be readily identified.

These Requests for Production of Documents are continuing in nature. In accordance with Rule 26, you are requested to supplement your responses to these requests in the event that new or additional information within their scope becomes known to you.

If any document is withheld under a claim of privilege, please:

- a. Identify such document with sufficient particularity as to author(s), addressee(s), recipient(s), and subject matter and contents to allow the matter to be brought before the court;
- b. State the nature of the privilege(s) asserted; and
- c. State in detail the factual basis for the claim of privilege.

## **I. DEFINITIONS**

Throughout these Discovery Requests, including the definition of terms, the words used in the masculine gender include the feminine, and the words used in the singular include the plural. Wherever the word "or" appears herein, the meaning intended is the logical inclusive "or" — that is, "and/or." Wherever the word "including" appears, the meaning intended is "including but not limited to."

As used throughout these Discovery Requests, the following terms have the following indicated meanings:

1. “ACCUSED PERSON” means a person who is being or has been prosecuted in a LEXINGTON COUNTY MAGISTRATE COURT on charges that allow for the imposition of LFOs upon conviction.

2. “ALL” means “EVERY” and includes “EACH” and “ANY,” and vice versa.

3. “BENCH WARRANT” refers to a warrant of arrest issued by LEXINGTON COUNTY MAGISTRATE COURTS to order the arrest and incarceration of an ACCUSED PERSON.

4. “COMPLAINT” refers to the operative complaint filed by PLAINTIFFS in this proceeding.

5. “CORRESPONDENCE” includes ALL letters, telegrams, notices, messages, or other WRITTEN COMMUNICATIONS or memoranda, including electronic communications, or other records of conversations, meetings, conferences or other oral communications.

6. “DATE” shall mean the exact day, month, and year if ascertainable or, if not, the best approximation, including ANY known relationship to other events.

7. The term “DOCUMENT” or “WRITTEN COMMUNICATION” means all written or graphic matter, however produced, or reproduced, of EVERY kind and description in YOUR actual or constructive possession, custody, care or control. This includes the complete original (or complete copy if the original is not available) and EACH non-identical copy regardless of origin or location. “DOCUMENT” is intended to have the same meaning as in Civil Rule 34, including, without limitation: writings, CORRESPONDENCE, electronic mail (email) messages and attachments, Internet messages, intranet messages, text messages, Twitter™ messages, messages or postings on social networking websites (including but not limited to websites such as Facebook™ and MySpace™), blog postings, web pages, voicemails,

data and files sent from, received by or stored on smartphones, tablets or other mobile computing devices (including but not limited to Blackberry™, iPhone™, Android™, iPad™, Galaxy Tab™, Velocity Micro Cruz™ and HP TouchPad™), facsimiles, books, pamphlets, periodicals, reports, blueprints, sketches, laser discs, magnetic discs, flash drives, magnetic strips, microfiche, invoices, statements, minutes, purchase orders, contracts, vouchers, checks, charge slips, expense account reports, hotel charges, receipts, working papers, memoranda, messages, notes, envelopes, business records, financial statements, agreements, leases, drawings, graphs, charts, drafts, maps, surveys, plats, statistical records, cost sheets, calendars, appointment books, diaries, time sheets or logs, telephone records or logs, facsimile logs, photographs, sound tapes or recordings, films, tapes, computer printouts and ANY other data, including without limitation, data stored electronically or by other technical means for use with computers or otherwise from which information can be obtained or translated through detection devices into reasonably usable form, or ANY other tangible thing that constitutes or contains matters contained within the scope of Civil Rule 26(b). If a DOCUMENT has been prepared in several copies which are for ANY reason not identical, or if the original identical copies are no longer identical by reason of subsequent notation or other modification of ANY kind whatsoever, including but not limited to notations on the backs of pages thereto, EACH non-identical copy is a separate DOCUMENT. DOCUMENTS shall also include ELECTRONICALLY STORED INFORMATION (“ESI”) and ANY electronically stored data on magnetic or optical storage media as an “active” file or files (readily readable by one or more computer applications or forensics software); ANY “deleted” but recoverable electronic files on said media; ANY electronic file fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from random access memory on a hard drive during the normal operation of a computer [RAM

slack] or residual data left on the hard drive after new data has overwritten some but not all of previously stored data).

8. “DEFENDANTS” means LEXINGTON COUNTY, South Carolina, Gary Reinhart, Rebecca Adams, Albert John Dooley, III, Bryan Koon, and Robert Madsen, and DEFENDANTS’ attorneys, and ANY employees, agents, or PERSONS working on DEFENDANTS’ behalf, and if applicable, DEFENDANTS’ subsidiaries, predecessors or assignors, as well as ANY directors, officers, employees, agents, partners, or PERSONS acting on behalf of DEFENDANTS.

9. “IDENTIFY” when referring to a DOCUMENT or WRITTEN COMMUNICATION means to state:

- a. The description of such DOCUMENTS or writings in sufficient detail in order to enable them to be identified by subpoena duces tecum;
- b. The title and EACH subtitle thereof;
- c. The DATE and number of pages thereof;
- d. A brief summary of the contents;
- e. The author, EACH addressee, and the distribution list thereof;
- f. The IDENTITY of EACH PERSON who witnessed, or was in a position to witness said communication;
- g. The DATE on which the document was prepared or signed;
- h. The physical location of the document and the name and address of its custodian or custodians;
- i. The IDENTITY of EACH document referenced by this document;

j. The source of (or the IDENTITY of EACH PERSON who supplied) ANY information contained therein; and

k. If ANY such document was, but is no longer in YOUR possession or subject to YOUR control, what disposition was made of it and the reason for its disposition.

10. "IDENTIFY" when referring to a meeting means, for EACH such MEETING, to state:

a. The date and hour when held;

b. The address where held;

c. The IDENTITY of EACH PERSON who represented YOU at EACH MEETING or conference;

d. The IDENTITY of ANY other PERSON present; and

e. EACH action taken, decision made, agreement reached or topic discussed at the MEETING or conference.

11. "IDENTIFY" when referring to oral communications means to state, with respect thereto, ANY communication or portion thereof between ANY two or more PERSONS that is not or was not recorded, including, but not limited to, telephone conversations, face-to-face conversations, meetings, and conferences. State the PERSONS involved, the DATE, the setting, and the circumstances.

12. "IDENTIFY" or "IDENTITY" when referring to a person means to state:

a. His/her full name;

b. His/her present residence address;

c. His/her present residence telephone number;

d. His/her present business address;



e. If his/her present residence or business address is unknown, state his/her last known residence address and residence telephone number, his/her last known business affiliation and business address, and ANY information YOU have that might reasonably lead to the discovery of his/her present whereabouts; and

f. With respect to PERSONS who are not natural PERSONS, state the last known complete address, including zip code, the last known complete telephone number, including the area code, of its headquarters, and its nearest or local office or agent.

13. "INDIVIDUAL," "PERSON," or "PERSONS" shall mean natural PERSONS, proprietorships, sole proprietorships, corporations, nonprofit corporations, municipal corporations, local, state, federal or foreign governments or governmental agencies, political subdivisions, general or limited partnerships, business trusts, trusts, estates, clubs, groups, unincorporated associations, or other business or public organizations.

14. "INTERGOVERNMENTAL AGREEMENT" means an agreement between LEXINGTON COUNTY and any other unit of government RELATING TO: (a) the arrest of ACCUSED PERSONS; (b) the use of LEXINGTON COUNTY jail facilities to incarcerate INDIVIDUALS convicted of crimes charged by any other unit of government.

15. "LEXINGTON COUNTY" means Defendant Lexington County, South Carolina, including but not limited to Lexington County's council members, employees, representatives, agents, commissioners, administrators, and PUBLIC DEFENDERS; Lexington County's attorneys; and any PERSONS acting on behalf of Lexington County.

16. "LEXINGTON COUNTY MAGISTRATE COURT" or "MAGISTRATE COURT" means any magistrate court operating within Lexington County, including but not limited to the magistrate court divisions of Batesburg-Leesville Magistrate Court, Cayce-West

Columbia Magistrate Court, Irmo Magistrate Court, Lexington Magistrate Court, Lexington Central Traffic Court, Oak Grove Magistrate Court, Swansea Magistrate Court, and the Bond Court located at the Lexington County Detention Center.

17. “LEXINGTON COUNTY PUBLIC INDEX” or “PUBLIC INDEX” means the “Lexington County Eleventh Judicial Circuit Public Index,” which can be accessed at the Web address: <http://publicindex.sccourts.org/Lexington/publicindex/>. The PUBLIC INDEX was last accessed at this address on October 5, 2017.

18. “LEXINGTON COUNTY SHERIFF’S DEPARTMENT” or “SHERIFF’S DEPARTMENT” means ANY employee, representative, agent, commissioner, or administrator of the LEXINGTON COUNTY SHERIFF’S DEPARTMENT or Lexington County Detention Center, including but not limited to Defendant Bryan Koon, law enforcement officers, guards, courthouse security, attorneys, volunteers, or staff.

19. “LFOs” means legal financial obligations imposed by a LEXINGTON COUNTY MAGISTRATE COURT as part of a criminal or traffic sentence and includes fines, fees, assessments, penalties, costs, and restitution.

20. “PLAINTIFFS” means Plaintiffs, Plaintiffs’ attorneys, and ANY employees, agents, or PERSONS working on behalf of Plaintiffs.

21. “PUBLIC DEFENDER” means an attorney employed by the Lexington County Public Defender’s Office or appointed, assigned, or provided by LEXINGTON COUNTY or the Circuit Public Defender for the Eleventh Judicial Circuit of South Carolina to represent an ACCUSED PERSON.

22. “PUBLIC DEFENSE CASE” means a case in which a PUBLIC DEFENDER has been appointed to represent an ACCUSED PERSON.

23. “PUBLIC DEFENSE SERVICES” means the services performed by a PUBLIC DEFENDER and his or her staff members for the purpose of providing legal representation to an ACCUSED PERSON.

24. “RELATING TO” or “REFERRING TO” (including other verb tenses of those terms) means describing, evidencing, constituting, reflecting, showing, comprising, considering, concerning, discussing, regarding, setting forth, studying, analyzing, commenting upon, recommending, alluding to, or mentioning, in whole or in part.

25. “SHOW CAUSE HEARING” means any LEXINGTON COUNTY MAGISTRATE COURT hearing at which the court considers the allegation that an ACCUSED PERSON has not paid previously imposed LFOs, including but not limited to hearings for ACCUSED PERSONS in custody for failure to pay LFOs, and other similar proceedings, conducted in a LEXINGTON COUNTY MAGISTRATE COURT.

26. “YOU” and “YOUR” means Defendants Gary Reinhart, Rebecca Adams, and/or Albert J. Dooley, III, YOUR attorneys, employees, representatives or agents, and ANY PERSONS acting on behalf of YOU.

## **II. RELEVANT TIME PERIOD**

Unless otherwise stated, the relevant time period for these discovery requests is from June 1, 2014, to the present.

## **III. REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** Please produce ALL CORRESPONDENCE, including emails, between the following INDIVIDUALS and ANY other INDIVIDUAL REFERRING OR RELATING TO LFOs, BENCH WARRANTS, or revenue generated through cases prosecuted in LEXINGTON COUNTY MAGISTRATE COURTS:

- a. Hon. Gary Reinhart, Magistrate Judge and former Chief Judge for Administrative Purposes of the Summary Courts of Lexington County
- b. Hon. Rebecca Adams, Chief Judge for Administrative Purposes of the Summary Courts of Lexington County, and former Associate Judge for Administrative Purposes of the Summary Courts of Lexington County
- c. Hon. Albert J. Dooley, III, Associate Chief Judge for Administrative Purposes of the Summary Courts of Lexington County
- d. Hon. Bradley S. Melton, Magistrate Judge
- e. Hon. Gary S. Morgan, Magistrate Judge
- f. Hon. Scott Whittle, Magistrate Judge
- g. Hon. Matthew Johnson, Magistrate Judge
- h. Hon. Arthur L. Myers, Magistrate Judge
- i. Hon. Brian N. Buck, Magistrate Judge
- j. Ed Lewis, Chief Court Administrator
- k. Colleen Long, Deputy Court Administrator
- l. Lisa Comer, Lexington County Clerk of Court
- m. ANY other PERSON who served as a Lexington County Magistrate Judge, Court Administrator, or Clerk of Court at ANY point from June 1, 2014, to the present.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 2:** Please produce ALL CORRESPONDENCE, including letters, between the following INDIVIDUALS and ACCUSED PERSONS that REFERS OR RELATES TO LFOs:

- a. Hon. Gary Reinhart, Magistrate Judge and former Chief Judge for Administrative Purposes of the Summary Courts of Lexington County
- b. Hon. Rebecca Adams, Chief Judge for Administrative Purposes of the Summary Courts of Lexington County, and former Associate Judge for Administrative Purposes of the Summary Courts of Lexington County
- c. Hon. Albert J. Dooley, III, Associate Chief Judge for Administrative Purposes of the Summary Courts of Lexington County
- d. Hon. Bradley S. Melton, Magistrate Judge
- e. Hon. Gary S. Morgan, Magistrate Judge
- f. Hon. Scott Whittle, Magistrate Judge
- g. Hon. Matthew Johnson, Magistrate Judge
- h. Hon. Arthur L. Myers, Magistrate Judge
- i. Hon. Brian N. Buck, Magistrate Judge
- j. Ed Lewis, Chief Court Administrator
- k. Colleen Long, Deputy Court Administrator
- l. Lisa Comer, Lexington County Clerk of Court
- m. ANY other PERSON who served as a Lexington County Magistrate Judge, Court Administrator, or Clerk of Court at ANY point from June 1, 2014, to the present.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 3:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, received, reviewed, used, or provided to others regarding LFOs and BENCH WARRANTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 4:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, received, reviewed, used, or provided to others regarding assessments of the financial circumstances of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 5:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY training provided to or received by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS regarding assessments of the financial circumstances of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 6:** Please produce ALL DOCUMENTS Constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to ACCUSED PERSONS for the purpose of giving notice of the constitutional right to be represented by a PUBLIC DEFENDER.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 7:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY training provided to or received by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS regarding the constitutional right of ACCUSED PERSONS to be represented by a PUBLIC DEFENDER and to receive notice of that right.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 8:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used or provided to ACCUSED PERSONS for the purpose of giving notice of ANY fees or charges that may or would be imposed in relation to

an application for representation by a PUBLIC DEFENDER or to have such fees or charges waived.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 9:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY training provided to or received by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS for notifying ACCUSED PERSONS of ANY fees or charges that may be imposed in relation to an application for representation by a PUBLIC DEFENDER or to have such fees or charges waived.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 10:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used or provided to ACCUSED PERSONS for the purpose of giving notice of the constitutional right to a jury trial.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 11:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY training provided to or received by the judges or staff



of the LEXINGTON COUNTY MAGISTRATE COURTS regarding the constitutional right of ACCUSED PERSONS to a jury trial.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 12:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, or used in providing notice to ACCUSED PERSONS of alleged non-payment of LFOs owed to a LEXINGTON COUNTY MAGISTRATE COURT as a result of a conviction, including a conviction from a trial in absentia.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 13:** Please produce ALL DOCUMENTS provided by judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS to ACCUSED PERSONS to provide notice of alleged nonpayment of LFOs owed to a LEXINGTON COUNTY MAGISTRATE COURT as a result of conviction, including a conviction from a trial in absentia, with such notice including, but not limited to, ANY and ALL letters RELATING TO a “Failure to Comply,” “Failure to Pay,” “Contempt,” and/or “Rule to Show Cause.”

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 14:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the training provided to or received by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS regarding the provision of notice to ACCUSED PERSONS of alleged non-payment of LFOs owed to a LEXINGTON COUNTY MAGISTRATE COURT imposed as a result of a conviction, including a conviction from a trial in absentia.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 15:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY monitoring or supervision conducted of the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS to ensure that ACCUSED PERSONS are notified of their constitutional rights to be represented by a PUBLIC DEFENDER, to receive a jury trial, and to have their financial circumstances assessed by a judge before they are incarcerated for non-payment of LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 16:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY

MAGISTRATE COURTS prepared, reviewed, used, or provided to others in relation to giving “Faretta Warnings” to ACCUSED PERSONS, including but not limited to giving a “Faretta Warning” to an individual convicted in his or her absence or whose case is listed in the LEXINGTON COUNTY PUBLIC INDEX as having a disposition of “TIA Guilty Bench Trial.”

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 17:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others in relation to Scheduled Time Payment Agreements with ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 18:** Please produce one exemplar of EACH form DOCUMENT designed to be used by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS in relation to Scheduled Time Payment Agreements with ACCUSED PERSONS. If different judges or staff at the different divisions of the MAGISTRATE COURTS currently or previously used different form DOCUMENTS in relation to Scheduled Time Payment Agreements with ACCUSED PERSONS, please also produce one exemplar of EACH of those DOCUMENTS from EACH division of the MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 19:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others in relation to SHOW CAUSE HEARINGS scheduled for ACCUSED PERSONS who owe LFOs to the MAGISTRATE COURT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 20:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others in relation to hearings held in the Bond Court at the Lexington County Detention Center for individuals who have been arrested pursuant to BENCH WARRANTS issued by the MAGISTRATE COURT.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 21:** Please produce ALL DOCUMENTS in YOUR possession constituting or containing policies, practices, procedures, instructions,

guidance, training materials, or other documents prepared, reviewed, or used by the Lexington County Solicitor's Office regarding LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 22:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO ANY agreements between the LEXINGTON COUNTY MAGISTRATE COURTS and the LEXINGTON COUNTY SHERIFF'S DEPARTMENT to execute BENCH WARRANTS ordering the arrest or incarceration of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 23:** Please produce ALL DOCUMENTS in YOUR possession constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents prepared, reviewed, or used by the Lexington County Detention Center regarding LFOs.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 24:** Please produce one exemplar of EACH form DOCUMENT designed to be used by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS to assess the ability of ACCUSED PERSONS to pay LFOs at ANY time, including in connection with trials, sentencing hearings, and SHOW CAUSE HEARINGS.

If different judges or staff at the different divisions of the MAGISTRATE COURTS currently or previously used different form DOCUMENTS to assess the ability of ACCUSED PERSONS to pay LFOs at ANY time, including in connection with trials, sentencing hearings, and SHOW CAUSE HEARINGS, please also produce one exemplar of EACH of those DOCUMENTS from EACH division of the MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 25:** Please produce one exemplar of EACH form DOCUMENT designed to be used by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS to assess the eligibility of ACCUSED PERSONS to be represented by a PUBLIC DEFENDER. If different judges or staff at the different divisions of the MAGISTRATE COURTS currently or previously used different form DOCUMENTS to assess the eligibility of ACCUSED PERSONS to be represented by a PUBLIC DEFENDER, please also produce one exemplar of EACH of those DOCUMENTS from EACH division of the MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 26:** Please produce ALL DOCUMENTS used by the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS to assess the eligibility of ACCUSED PERSONS to be represented by a PUBLIC DEFENDER.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 27:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Twanda Marshinda Brown (listed in various court records as Twanda M. Brown, Twanda Brown, Twanda Loshonda Brown, and Tawanda Brown), including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 28:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Sasha Monique Darby, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 29:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Cayeshia Cashel Johnson, including but not limited to court files, documents relating to indigent status, audio recordings or

transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 30:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Amy Marie Palacios, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 31:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Xavier Larry Goodwin, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 32:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Raymond Wright, Jr., including



but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 33:** Please produce ALL DOCUMENTS in YOUR possession REFERRING OR RELATING TO Plaintiff Nora Ann Corder, including but not limited to court files, documents relating to indigent status, audio recordings or transcripts of court proceedings, citations, BENCH WARRANTS, transport orders, and jail records.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 34:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the collection of money from ACCUSED PERSONS to satisfy LFOs owed to LEXINGTON COUNTY MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 35:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the transmission of money collected from ACCUSED PERSONS who owed LFOs in LEXINGTON COUNTY MAGISTRATE COURT cases to

LEXINGTON COUNTY, THE LEXINGTON COUNTY SHERIFF'S DEPARTMENT, and/or ANY other entities or persons, including state entities.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 36:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO the financial operation of the LEXINGTON COUNTY MAGISTRATE COURTS, including but not limited to reports, budgets and analyses of actual or projected revenue, sources of revenue, expenditures, costs, payments, disbursements, refunds, wages, bonuses, investments, and interest income.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 37:** Please produce ALL data and reports in YOUR possession REFERRING OR RELATING TO LFOs, including but not limited to information YOU have provided to external entities such as the South Carolina Office of Court Administration, South Carolina Supreme Court, South Carolina Attorney General's Office, South Carolina Commission on Indigent Defense, and South Carolina Commission on Prosecution Coordination.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 38:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO BENCH WARRANTS issued by the LEXINGTON COUNTY MAGISTRATE COURTS, including but not limited to letters, e-mails, and other CORRESPONDENCE, and information contained in electronic databases, reports, or analyses.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 39:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others in relation to BENCH WARRANTS for the arrest and incarceration of ACCUSED PERSONS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 40:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others for the purpose of giving notice to ACCUSED PERSONS that they are at risk of a BENCH WARRANT issued for non-payment of LFOs and/or nonappearance in court.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 41:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others for the purpose of giving notice to ACCUSED PERSONS that a BENCH WARRANT has been issued for their arrest and incarceration for non-payment of LFOs and/or nonappearance in court.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 42:** Please produce ALL DATA and reports in YOUR possession REFERRING OR RELATING TO LFOs, including but not limited to information YOU have provided to external entities such as the South Carolina Office of Court Administration, South Carolina Supreme Court, South Carolina Attorney General's Office, South Carolina Commission on Indigent Defense, and South Carolina Commission on Prosecution Coordination.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 43:** Please produce ALL DOCUMENTS REFERRING OR RELATING TO databases, reports, or analyses created by judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS for the purposes of maintaining and/or tracking BENCH WARRANTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 44:** Please produce ALL data kept for the purposes of maintaining, tracking, or enforcing Scheduled Time Payment Agreements between ACCUSED PERSONS and the LEXINGTON COUNTY MAGISTRATE COURTS.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 45:** Please produce ALL data kept for the purposes of maintaining, tracking, enforcing, or recalling BENCH WARRANTS issued against ACCUSED PERSONS by the LEXINGTON COUNTY MAGISTRATE COURTS, regardless of whether the BENCH WARRANT for which the data kept is currently active or has already been executed.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 46:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others for the purpose of inputting, interpreting, clarifying, construing, reading, or explaining information found in the LEXINGTON COUNTY PUBLIC INDEX.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 47:** Please produce ALL DOCUMENTS constituting or containing policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others regarding the current or former usage of the following “Action Types” in the LEXINGTON COUNTY PUBLIC INDEX:

- a. Archived Bench Warrant
- b. Archived Commitment
- c. Archived Court Summons
- d. Archived Discharge
- e. Archived Document
- f. Archived Failure to Appear/Comply/Pay
- g. Archived Faretta Warnings
- h. Archived Guilty Plea Information
- i. Archived Rule to Show Cause
- j. Archived STP Agreement
- k. Archived Unpaid Fine Notice
- l. Bench Trial
- m. Bench Warrant / Arrest Warrant Recalled
- n. Bench Warrant Served

- o. Commitment Order Issued
- p. Failure to Comply
- q. Failure to Comply Letter Issued
- r. Faretta Warnings
- s. Motion/Motion to Lift Bench Warrant
- t. Order/DMV
- u. Rule to Show Cause
- v. Scheduled Time Payment
- w. Show Cause Hearing Bond Court
- x. Show Cause Hearing No Documents
- y. Show Cause Hearing Variable Document
- z. Show Cause Hearing with Document

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 48:** Please produce ALL DOCUMENTS, including but not limited to emails, letters, memoranda, or other WRITTEN COMMUNICATIONS, REFERRING OR RELATING TO the September 15, 2017, memorandum of Supreme Court of South Carolina Chief Justice Donald W. Beatty with the subject, “Sentencing Unrepresented Defendants to Imprisonment.” *See* ECF No. 40–1.

**ANSWER:**

**REQUEST FOR PRODUCTION NO. 49:** Please produce ALL DOCUMENTS

REFERRING OR RELATING TO the policies, practices, procedures, instructions, guidance, training materials, or other documents that the judges or staff of the LEXINGTON COUNTY MAGISTRATE COURTS prepared, reviewed, used, or provided to others in response to the September 15, 2017, memorandum of Supreme Court of South Carolina Chief Justice Donald W. Beatty with the subject, "Sentencing Unrepresented Defendants to Imprisonment." See ECF No. 40-1.

**ANSWER:**

DATED this 10th day of October, 2017.

Respectfully submitted by,

AMERICAN CIVIL LIBERTIES  
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