

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Twanda Marshinda Brown, <i>et al.</i> , Plaintiffs, v. Lexington County, South Carolina, <i>et al.</i> , Defendants.	Civil Action No. 3:17-cv-01426-MBS-SVH
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DECLARATION OF AMY MARIE PALACIOS
IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT ON DAMAGES CLAIMS

I, Amy Marie Palacios, declare as follows:

1. I am indigent and a single mother.
2. I am the primary financial provider for myself and my two teenage daughters.
3. From October 2016 to February 2017, I worked five or six days a week as a server at a restaurant, where my shifts were twelve hours a day. Although I worked hard to cover basic necessities for myself and my daughters, I struggled financially and remained indigent.
4. My driver’s license was suspended in 2015. During 2016, I worked to save up the money to pay the fine and reinstatement fee.
5. In October 2016, I was the passenger in a car driven by a friend, who was pregnant at the time. My friend felt sick and I offered to drive. Soon after, we were stopped at a roadblock and I got a ticket for driving under a suspended license, first offense (“DUS-1”). The

ticket informed me that I had to appear in court in Lexington on November 10, 2016. It provided the address of the Lexington County Central Traffic Court.

6. I could not go to court on November 10, 2016, because I was scheduled to work during the time of the hearing and could not secure time off or find a replacement to cover me during my shift.

7. On November 9, 2016, I called the court to explain that I could not come to court the following day. I asked a court staff person how to request a different court date. The court staff person told me that my manager could fax an affidavit to the court explaining my situation, and that the judge would review the papers and notify me of the decision.

8. I asked the court staff person what would happen if I could not attend court. The court staff person assured me, "As long as you fax that over, you should be OK."

9. That same day, I asked my manager to submit an affidavit to the court explaining that I could not appear due to work obligations. My manager agreed to provide an affidavit.

10. That same day, I faxed the court an affidavit from my manager, which explained that I would not be able to attend court on November 10, 2016, due to work. Attached hereto as Exhibit A is a true and accurate copy of the affidavit signed by my manager, which I faxed to the Central Traffic Court on November 9, 2016.

11. No one from the Central Traffic Court contacted me about my hearing.

12. On February 25, 2017, I needed a ride home after having dinner with a friend. Another friend agreed to drive me home. Police stopped my friend's car for not having a proper tag.

13. During the traffic stop, an officer asked for my identification. The officer ran my name for warrants and informed me that there was a bench warrant for my arrest.

14. The officers took me to the Lexington County Detention Center.

15. Before I was booked in jail, I asked an officer why there was a bench warrant for my arrest. The officer informed me that the bench warrant was related to my October 2016 DUS-1 charge. The officer explained, "So either you do 30 days in jail or you pay a fine of \$647.50. These are your options."

16. I was confused. I asked the officer, "So I can pay to get out?" The officer told me that was correct.

17. This discussion of the bench warrant was the first notice I received that I had been tried, convicted, and sentenced for DUS-1 in my absence.

18. I could not afford to pay \$647.50, so I was incarcerated for 21 days.

19. I was never taken to Bond Court or to the Lexington County Central Traffic Court for a hearing on my ability to pay \$647.50 in fines and fees either before or after being booked in jail.

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

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

22. While incarcerated, I suffered from high blood pressure but did not get proper medical attention.

23. While I was in jail, I also missed important events in my children's lives, including the chance to be with my fifteen-year-old daughter when she took her first driving test.

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 Lexington, South Carolina on this 17th day of November, 2017.

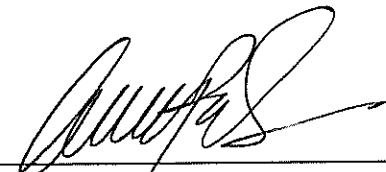
By: 
Amy Marie Palacios

EXHIBIT A

11/9/16

I, JORGE GOMEZ Manager @ EL Jimador Mexican Restaurant state that Amy Palacios is scheduled to work on 11/10/16 & cannot attend court date scheduled for 11/10/16. Ms. Palacios would like to request an extension for this date to avoid any future issues. If you have any questions please call me.

Thank You

Sincerely

Jorge Gomez

(803) 785-0222