

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

TWANDA MARSHINDA BROWN;  
SASHA MONIQUE DARBY;  
CAYESHIA CASHEL JOHNSON;  
AMY MARIE PALACIOS; NORA ANN  
CORDER; and XAVIER LARRY GOODWIN and  
RAYMOND WRIGHT, JR., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

LEXINGTON COUNTY, SOUTH CAROLINA;  
GARY REINHART, in his individual capacity;  
REBECCA ADAMS, in her official and individual  
capacities as the Chief Judge for Administrative  
Purposes of the Summary Courts in Lexington  
County and in her official capacity as the Judge of  
the Irmo Magistrate Court; ALBERT JOHN  
DOOLEY, III, in his official capacity as the  
Associate Chief Judge for Administrative Purposes  
of the Summary Courts in Lexington County;  
BRYAN KOON, in his official capacity as the  
Lexington County Sheriff; and ROBERT  
MADSEN, in his official capacity as the Circuit  
Public Defender for the Eleventh Judicial Circuit of  
South Carolina,

Defendants.

Case No. 3:17-cv-01426-MBS-SVH

**DECLARATION OF NINA PAPACHRISTOU IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Nina Papachristou, declare and state as follows:

1. I am currently employed as a paralegal in the American Civil Liberties Union Foundation ("ACLU") Racial Justice Program. In 2014, I received a Bachelor of Arts degree from Stanford University. I began working for the ACLU as a legal assistant in June 2015

and was promoted to paralegal in July 2016. For the duration of my employment at the ACLU, I have worked with, and been supervised by, attorneys on the above-captioned case.

2. I submit this declaration in support of Plaintiffs’ Motion for Class Certification. I have personal knowledge of the facts set forth herein and could competently testify to them if called as a witness.

3. Attached hereto as exhibits are true and correct copies of the following documents:

<u>Document</u>	<u>Exhibit</u>
Bench Warrant Issued by the Irmo Magistrate Court against Twanda Marshinda Brown on January 12, 2017 .....	A
South Carolina Judicial Department Public Index <sup>1</sup> (“Public Index”) Case Page for April 12, 2016, DUS, 2nd charge against Twanda Marshinda Brown in the Irmo Magistrate Court (visited on May 18, 2017).....	B
Bench Warrant Issued by the Irmo Magistrate Court against Sasha M. Darby on December 8, 2016 .....	C
Public Index Case Page for August 23, 2016, Assault and Battery, 3rd Degree charge against Sasha M. Darby in the Irmo Magistrate Court (visited on April 17, 2017).....	D
Bench Warrant Issued by the Lexington County Central Traffic Court (“Central Traffic Court”) against Cayeshia Cashel Johnson on September 26, 2016.....	E
Public Index Case Page for September 22, 2016, Uninsured Motor Vehicle Fee Violation, 1st charge against Cayeshia Cashel Johnson in the Central Traffic Court (visited on April 3, 2017).....	F
Bench Warrant Issued by the Central Traffic Court against Amy Marie Palacios on November 15, 2016 .....	G
Public Index Case Page for November 10, 2016, DUS, 1st charge against Amy Marie Palacios in the Central Traffic Court (visited on May 2, 2017).....	H
Bench Warrant Issued by the Central Traffic Court against Xavier Larry Goodwin	

<sup>1</sup> South Carolina Judicial Department, “Case Records Search,” <http://www.sccourts.org/casesearch/> (last accessed May 17, 2017).

on August 10, 2016 .....I

Public Index Case Page for August 9, 2016, DUS, 2nd charge against Xavier Larry Goodwin in the Central Traffic Court (visited on April 26, 2017).....J

Lexington County Magistrate Courts “Failure to Comply” and “Archived Bench Warrant” Cases February 1, 2017 to March 31, 2017 Spreadsheet .....K

Lexington County Magistrate Courts “Failure to Comply” and “Archived Bench Warrant” Cases February 1, 2017 to March 31, 2017 Spreadsheet (Narrowed to Exclude “Jail Only” and “Nolle Prosequi” Cases).....L

**A. Bench Warrants Issued by Lexington County Magistrate Courts Against the Named Plaintiffs**

4. I reviewed the bench warrants issued by the Lexington County Central Traffic Court (“Central Traffic Court”) and the Irmo Magistrate Court against Plaintiffs Twanda Marshinda Brown, Sasha M. Darby, Cayeshia Cashel Johnson, Amy Marie Palacios, and Xavier Larry Goodwin, which are attached as Exhibits A, C, E, G, and I to this declaration.

5. I also reviewed online records of the South Carolina Judicial Department Public Index (“Public Index”) that correspond to the Central Traffic Court and the Irmo Magistrate Court cases in which each of the bench warrants concerning these Plaintiffs were issued. These Public Index case records are attached as Exhibits B, D, F, H, and J to this declaration.

6. The date of issuance identified on the face of each bench warrant corresponds with the date on which court staff entered a “Failure to Comply” or “Archived Bench Warrant” notation in the “Action” tab of the applicable magistrate court case record on the Public Index.

7. For example, the Irmo Magistrate Court issued a bench warrant on January 12, 2017 ordering the arrest and incarceration of Ms. Brown unless she paid \$1,907.63. See Exhibit A. The corresponding Public Index case record indicates that court staff entered a “Failure to Comply” notation in the case on January 12, 2017 as well. See Exhibit B.

8. The Irmo Magistrate Court issued a bench warrant on December 8, 2016 ordering the arrest and incarceration of Ms. Darby unless she paid \$680. *See* Exhibit C. The corresponding Public Index case record indicates that court staff entered a “Failure to Comply” notation in the case on December 8, 2016 as well. *See* Exhibit D.

9. Similarly, the Central Traffic Court issued a bench warrant on November 15, 2016 ordering the arrest and incarceration of Ms. Palacios unless she paid \$647.50. *See* Exhibit G. The Public Index case record indicates that court staff entered a “Failure to Comply” notation on November 15, 2016 as well. *See* Exhibit H.

10. The Central Traffic Court issued a bench warrant on September 26, 2016 ordering the arrest and incarceration of Ms. Johnson unless she paid \$1,287.50. *See* Exhibit E. The Public Index case record indicates that court staff entered an “Archived Bench Warrant” notation on September 26, 2016 as well. *See* Exhibit F.

11. The Central Traffic Court issued a bench warrant on August 10, 2016 ordering the arrest and incarceration of Mr. Goodwin unless he paid \$1,710. *See* Exhibit I. The Public Index case record indicates that court staff entered an “Archived Bench Warrant” notation on August 10, 2016 as well. *See* Exhibit J.

12. The issuance of a bench warrant by a Lexington County magistrate court is documented by the entry of a “Failure to Comply” or “Archived Bench Warrant” notation in the applicable Public Index case record.

**B. Estimated Number of Bench Warrants Issued by Lexington County Magistrate Courts in February and March 2017**

13. I conducted searches of online case records of the Central Traffic Court, the Irmo Magistrate Court, the Lexington Magistrate Court, the Oak Grove Magistrate Court, the

Swansea Magistrate Court, the Cayce-West Columbia Magistrate Court, and the Batesburg-Leesville Magistrate Court (collectively, “Lexington County magistrate courts”) to determine the number of bench warrants issued by these courts against people charged with nonpayment of magistrate court fines and fees during a specified time period.

14. Specifically, I searched the Public Index for all Lexington County magistrate court cases in which a “Failure to Comply” or “Archived Bench Warrant” notation was entered between February 1, 2017 and March 31, 2017. The records retrieved through this search are summarized in the Excel spreadsheet attached to this Declaration as Exhibit K (“Lexington County Magistrate Courts “Failure to Comply” and “Archived Bench Warrant” Cases February 1, 2017 to March 31, 2017 Spreadsheet”).

15. This search yielded a total of 217 unique cases in Lexington County magistrate courts in which a “Failure to Comply” or “Archived Bench Warrant” notation had been entered between February 1, 2017 and March 31, 2017. *See* Exhibit K.

16. I closely examined the Public Index case records for each of the 217 cases to determine whether information in the case record suggests that the defendant was not charged with failure to comply due to nonpayment of fines and fees. I excluded thirteen cases in which information in the Public Index case records suggested that the defendant had been sentenced to jail only or that the case was not ultimately prosecuted.

17. Once these thirteen cases were excluded, there were 204 cases in Lexington County magistrate courts in which a “Failure to Comply” or “Archived Bench Warrant” notation was entered between February 1, 2017 and March 31, 2017, and case information suggested that the notation was related to nonpayment. The information compiled from these records is summarized in the Excel spreadsheet attached to this Declaration as Exhibit L.

(“Lexington County Magistrate Courts “Failure to Comply” and “Archived Bench Warrant” Cases February 1, 2017 to March 31, 2017 Spreadsheet (Narrowed to Exclude “Jail Only” and “Nolle Prosequi Cases”)”). A bench warrant for nonpayment of fines and fees had been issued in 204 cases, which correspond to 183 different defendants. *See* Exhibit L.

18. Therefore, between February 1, 2017 and March 31, 2017, an estimated 183 individuals were at risk of being arrested, or ultimately were arrested, on bench warrants issued for failure to pay fines and fees to a Lexington County magistrate court.

19. If bench warrants are issued at the same rate throughout the year, this two-month estimate suggests that around 1,098 people are subjected to a bench warrant for nonpayment of fines and fees to a Lexington County magistrate court each year.

20. Notably, the Central Traffic Court and the Irmo Magistrate Court issued the largest number of bench warrants during the time period reviewed. Of the 183 individuals targeted with bench warrants by Lexington County magistrate courts from February 1, 2017 to March 31, 2017, 62 were defendants in Central Traffic Court cases and 36 were defendants in the Irmo Magistrate Court cases.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 20th of July, 2017 in New York, NY.



Nina Papachristou