



The stories in this report are based on interviews conducted during our court watching experiences or through conversations with criminal defense attorneys. With the exception of Janet Vashon's story on page 26, names have been changed and photos are representations.

HEATHER IS 27 AND THE MOTHER OF TWO YOUNG CHILDREN.

The day before Thanksgiving, she was pulled over for tossing a bag of trash out the window of her car.

“I was so embarrassed when the lights turned on,” Heather said. **“I knew what I did was wrong, so I was ready for a ticket.”**

She was charged with a Class III misdemeanor: “Rubbish on the highway.” At her first court date, she asked for a public defender, but the judge noted on the docket that no jail time would be imposed, so her request was denied. Heather missed her next court date and a warrant was issued for her arrest.

“The cops came and got me. I was flabbergasted. They had time to come get someone over littering? They took me to jail. I had a \$500 bail set. Luckily, my family was able to bring down \$50 to let me go home.”

Ultimately, Heather was found guilty. She was given a \$25 fine plus \$51 court costs. The court gave her two months to pay.

“I made my first payment but then just didn’t get the rest of the money together. I didn’t have an attorney to ask for help and I didn’t know how to ask for more time, so they issued another warrant for me.”

The police came and picked Heather up again and booked her in jail. **“I was humiliated. I had to beg my family to come pay the last \$31 so I didn’t have to stay in jail.”**



MELISSA IS 43 AND A RESIDENT OF LINCOLN.

She was arrested for Class III misdemeanor domestic violence after a dispute with the father of her children late one evening. The following morning, she was brought to Lancaster County Court with all the other in-custody defendants. Lancaster uses video arraignments—that means to take Melissa’s plea and determine bail, Melissa was physically in the Lancaster County Jail, five miles away from the judge. Melissa was brought into the small hearing room wearing the jail jumpsuit and in shackles. She was facing a screen with a split view—on one half, she could see the judge and on the other side, she could see the prosecutor. She didn’t have an attorney present, but even if she had one, she couldn’t have seen or spoken confidentially with her lawyer. As an officer stood directly behind her, the judge rapidly read the charges against her and her rights and asked her how she wished to plead. Melissa strained forward against the shackles, peering at the screen.

“I don’t understand. I want to explain what happened...”

The judge interrupted and warned her this wasn’t the time to speak about the facts—“We just need to know how you plead, ma’am. Your options are guilty, not guilty, or no contest.”

“I guess I plead no contest? Wait. What does that mean? Don’t I get a lawyer to help me here?”

The judge patiently explained she wasn’t eligible for an attorney yet and explained the difference between a plea of “no contest” and a plea of “not guilty,” and asked her again what she wanted to do.

“Then not guilty. Now do I get to talk to my lawyer? I want to know who’s taking care of my little girl. Do I get to go home now?”

The judge explained she could go home if she could post 10% of \$5,000 (\$500). Her next court date was set for two weeks in the future. Melissa was led away, still trying to ask more questions. Melissa eventually pled guilty.

“I had to. It would have taken forever to let the trial go forward, and how could I live with myself as I worried about my little girl? Yeah, I know that’s on my record now. I just hope it doesn’t hurt me down the road.”



JANET VASHON

IS A 46 YEAR OLD WOMAN WHO RECENTLY EXPERIENCED HOMELESSNESS.



“This is the first time I’ve ever hit rock bottom. It’s been a hard couple of months. I’m living in my car while some social workers are helping me apply for benefits.”

In September, 2016, Janet and a friend decided to stand by the side of the road with signs reading “Homeless, anything will help.”

“I’d seen other people doing it. I was scared and embarrassed but I was out of options and thought I’d try anything.”

Lincoln Police arrested Janet under a city ordinance prohibiting soliciting donations near a roadway.


“When the officer pulled up, I thought he was going to tell me to move on. But he arrested me. He actually put handcuffs on me and put me in the back of his car to take me to jail. When they booked me, one officer told another ‘She’s transient, no address to list.’ This was the first time that word had ever been applied to me and it just hit me like a ton of bricks. I couldn’t stop crying.”

Janet was told she could leave if she could post \$1,000—at 10%, that means she could go free if she had \$100.

“I didn’t have \$100! That’s why I was standing on the corner in the first place!”

Ultimately, Janet was able to call her mother and have \$100 posted.

“My court date was three weeks after my arrest—they would have kept me in jail that whole time if my mother hadn’t come through for me. Not everybody has resources. How does this even make sense?”



These are the actual fines imposed on “Angelita.”

ANGELITA

IS 21 & LIVES IN GRAND ISLAND.

In 2015, she was arrested for shoplifting. She pled guilty and was ordered to serve 30 days in jail, one year on probation, plus she was ordered to pay court costs.

COURT FINE LISTING

Witness fees	\$20.00
Sheriff service fees	\$21.02
Sheriff service fees	\$22.84
Automation fee	\$8.00
Legal Services fund	\$3.25
LASF	\$2.00
L.E.I.F.	\$2.00
Civil Legal Services fund	\$1.00
Crime Victim fund	\$1.00
Filing fee	\$2.00
J.R.F.	\$6.00
Uniform Data Analysis	\$1.00
Indigent Defense fee	\$3.00
Dispute Resolution fee	\$.75
NSC Education fee	\$1.00
Probation administration	\$30.00
Filing fees	\$18.00
TOTAL:	\$142.86

“I couldn’t get the money together. The deadline came and went for paying and my probation officer sent me a copy of his letter to the Judge that said, ‘I recommend the jail time in the above captioned case be imposed for the period of 30 days commencing two weeks from now. The above named Probationer has not complied with probation requirements in a satisfactory manner to date.’ I didn’t know what to do—I just sort of froze. A couple of days later, the police came to arrest me. I sat in jail for a day and a half. They let me go halfway through the second day, saying I’d paid my time. By the time they let me go, I was just a mess, I couldn’t believe life would ever be the same.”



MARCUS IS 54 AND AN AFRICAN AMERICAN RESIDENT OF OMAHA.

In February 2016, he was at a friend's party in Bellevue and things got out of hand. He and several other partygoers were ticketed with misdemeanor "disorderly conduct." Marcus doesn't have a driver's license, so it was hard for him to get to Sarpy County for his first court date.

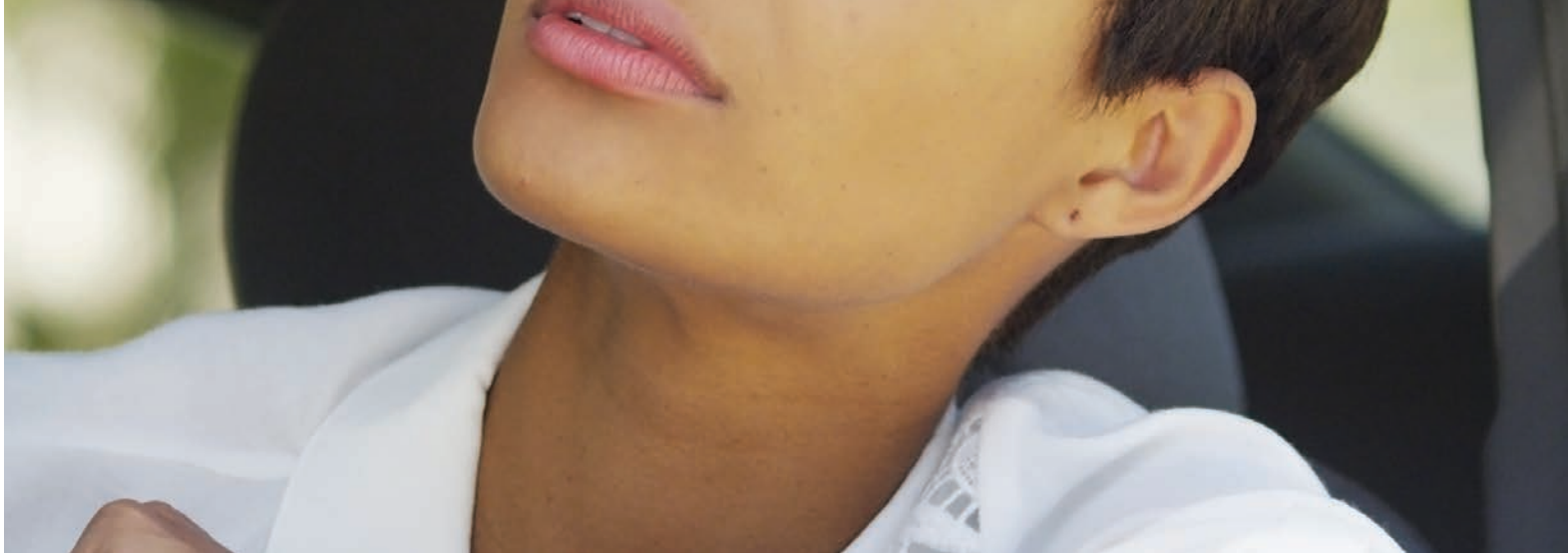
"I took the bus as far as it goes out of Omaha. Then I got out and walked."

Marcus had to do this four times for the arraignment, hearings, trial and sentencing. He was found guilty and ordered to pay a total of \$149 in fines and court costs.

"They gave me 56 days to pay. They might as well have given me until crack of doom. I don't have \$149, I don't know anyone with \$149, and I don't have any idea how to get \$149."

When the deadline passed, it took a while before anyone bothered to come and arrest Marcus. The arrest warrant was issued in May, but they didn't pick Marcus up until September.

"I sat out my fine for a day and a half, and then I had to do that long, long walk one last time to get all the way back home."



DONNELLA IS A 22 YEAR OLD OMAHA RESIDENT.

In all of our court watching, only once did we see a judge ask about ability to pay. Donnella had been pulled over twice in 24 hours and given two tickets for “no proof of registration”—but it was a bureaucratic mistake and Donnella was able to show there was just a records problem at the DMV. Donnella appeared in court with documentation from the DMV and the court dismissed her first ticket—though she was still charged \$49 court costs.

“I left, a little mad about paying \$49, but I was glad to have it behind me.”

A couple of weeks later, she got notice in the mail that there was a warrant out for her arrest.

“It turns out the judge dismissed one of my tickets—but overlooked the paperwork on the second ticket, and now it looked as if I had skipped court for the second ticket.”

Donnella immediately got time off work and went back downtown to appear and explain the story all over again. The judge agreed it was all in error and prepared to dismiss the second ticket, but wanted to impose a second \$49 court cost fee.

“I tried to be respectful. But no, sir! That’s not fair, and I didn’t have any more money to pay—I was already on my second work shift lost to these court visits.”

The judge listened to her protest, asked “How much cash DO you have on you right now,” and upon being told she had nothing, finally dismissed the second ticket with a full waiver of costs.

“I’m glad this is done for me, but it’s shaken my faith. I only make minimum wage, and I’m barely paying my bills as it is. How can they expect people to pay costs for things that aren’t our fault?”