

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

LETICIA ROBERTS and CALVIN
SAYERS, on behalf of themselves
and others similarly situated;

Plaintiffs,

v.

SHERIFF TONY THOMPSON, in his
official capacity; BLACK HAWK
COUNTY;

Defendants.

Case No. 6:24-cv-02024-MAR

**DECLARATION OF CALVIN SAYERS
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

I, Calvin C. Sayers, Jr., declare as follows:

1. I am a seventy-year-old retired man. After growing up in Waterloo, I moved away before returning, and I have lived in Waterloo since 1997. During my professional career, I worked in various roles in telecommunications and transportation. When I moved back to Waterloo, I worked primarily for John Deere.

2. I have a fixed income from Social Security of approximately \$2,100/month. I also receive an additional \$500 or so from two different pensions (one from AT&T and the other from John Deere). I use that money to pay for groceries, rent, and other necessary living expenses. I pay \$536 for housing. My utilities cost about \$250 per month for electric and gas and about \$250 every three months for water. I pay about \$175 per month for my cell phone and internet. I spend about \$500 each month in groceries. It costs \$383 each month to insure three vehicles. I spend about \$180–200 for gas for my vehicles each month. I end up paying around \$100 each month in other expenses for my vehicle. I am on a payment plan to pay \$50 a month for court fines and fees. My wife also works, but I am the one responsible for these expenses.

3. My twenty-three-year-old son Calvin is disabled and currently lives with my wife and I. Calvin is unable to live on his own without someone caring for him. He receives his own income and that money is used for his expenses. I am Calvin's primary caregiver; I watch him most hours of every day.

4. In 2021, I pleaded guilty to operating a motor vehicle while under the influence in Case No. OWCR238573 in the Black Hawk County District Court. Because it was my third OWI offense in the past twelve years, it was a felony. While I maintain my innocence for the offense, I pleaded guilty because I was concerned that if I took the case to trial, I would serve significantly more time in state prison. I could not risk being away from Calvin for that long and put his care in jeopardy.

5. I was sentenced to serve 57 days in the Black Hawk County Jail. I was also fined \$3,125 for the offense. There are additional fees associated with my case; I am not sure exactly how much the fees are, but I believe they total around \$1,000 at this point.

6. The judge in my case allowed me to serve my sentence in the jail in two-day increments so that I could continue to provide care for Calvin.

7. Ultimately, I ended up serving my sentence as follows: two days beginning January 28, 2022; two days beginning September 4, 2022; two days beginning September 14, 2022; five days beginning December 13, 2022; two days beginning January 19, 2023; eight days beginning February 2, 2023; five days beginning March 23, 2023; seven days beginning April 15, 2023; four days beginning June 12, 2023; three days beginning June 27, 2023; two days beginning October 12, 2023; four days beginning November 8, 2023; two days beginning February 15, 2024; two days beginning February 26, 2024; two days beginning March 9, 2024; three days beginning March 15, 2024; and two days beginning March 23, 2024.

8. It was very difficult to complete my sentence. Although I tried to serve my sentence as quickly as possible, I was often turned away from the jail because they said they did not have enough beds. While I cannot recall exactly how many times, I believe I was turned away from the jail roughly twenty times.

9. In addition, I paid my mother-in-law to watch Calvin while I was serving time in the jail. So, not only was I unable to provide care for Calvin, I had to pay someone else to do the things I would normally do for him.

10. The first time I served time on my sentence at the jail, on January 28, 2022, I came to the jail with money in my wallet. I don't remember exactly how much, but I believe I had \$26 in my wallet. When I was booked in the jail, a Sheriff's deputy doing the booking took my belongings, including my wallet. Only when I was released from the jail after serving two days did I learn that the Sheriff's Office had taken \$25 from my wallet.

11. After that, I thought that I needed to bring \$25 with me every time I served time at the jail in order to get a bed at the jail. So, at least the next two times served time for my sentence, I brought \$25 with me, which the Department seized and did not return.

12. At some point in time, my other son—who is a corrections officer at a county jail in Maryland—informed me that the jail would still have to give me a bed even if I didn't have any money on me. After that, I stopped bringing money with me to the jail when I served time towards my sentence.

13. Only when I finished my sentence on March 24, 2024 did I learn that the jail was charging me a \$25 booking fee each time I served a portion of my sentence and \$70 for each day of the sentence.

14. Before being released from jail on that day, I was presented with a confession of judgment form to sign. At the time, I believe one male Sheriff's deputy was present. I do not remember a female deputy being present. No one notarized the document in front of me. All the of the terms on the document had already been filled out by the time they gave me the form. The only blank space for me to fill in was for my signature.

15. I did not understand that I would be losing important rights by signing the document. No one told me I was waiving any rights. I did not even understand why I owed this money. At first, I thought maybe the money was going towards my court debt. But when I went to

the courthouse to pay my court fees, I realized that the amount the jail was charging me was *in addition* to my court debt.

16. I signed the form because I had to. It was the last thing that I had to do before I could be released from the jail.

17. No one allowed me to negotiate the terms of the document I signed. I also had no chance to consult with a lawyer.

18. Since I was sentenced in September 2021, I have been putting aside about \$100 each month to put towards my court debt. I canceled my cable television so that I could set this money aside. I have been making regular payments to that debt so that I can complete the terms of my probation and restore my right to vote.

19. When I learned that I would also owe jail fees, on March 25, 2024, I made the decision to split the \$100 between the courthouse and the Sheriff.

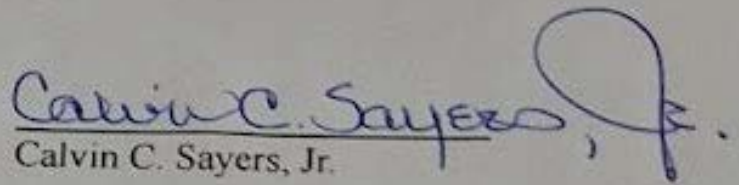
20. On or about May 1, 2024, I made a payment of \$50 towards the amount on my confession of judgment. In the beginning of June 2024, I made a payment of \$5.

21. I have had no chance to try to challenge the amount of the fees the Sheriff says that I owe.

22. I cannot afford the \$4,340 in jail fees the Department has assessed. If I were forced to pay the amount the Sheriff says that I owe, I do not know what I would do. I do not have savings I could use to pay the fees. It is hard to imagine what expenses I could sacrifice to afford these payments. I cannot cut back on my expenses because I only spend my money on things I need for me and my family. The only thing I can think of would be that I could take on credit card debt to afford my day-to-day expenses.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 1st 2024 in Waterloo, Iowa.


Calvin C. Sayers, Jr.