No. 25-246

IN THE

Supreme Court of the United States

KENNETH JOHN JOUPPI,

Petitioner,

v.

STATE OF ALASKA,

Respondent.

On Writ of Certiorari to the
Supreme Court of Alaska

BRIEF OF THE RODERICK & SOLANGE MACARTHUR JUSTICE CENTER AND THE SOUTHERN POVERTY LAW CENTER AS *AMICI CURIAE* SUPPORTING PETITIONER

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INTEREST OF *AMICI CURIAE*[1]

The Roderick and Solange MacArthur Justice Center ("MJC") is a national not-for-profit civil rights organization founded in 1985 by the family of J. Roderick MacArthur to advocate for human rights and social justice through litigation. MJC attorneys have played a key role in advocacy on criminal legal system issues including fines and fees and the criminalization of poverty. In addition to direct representation on behalf of its clients, MJC frequently files amicus briefs related to these issues throughout the federal circuits, in state supreme courts, and in this Court.

The Southern Poverty Law Center ("SPLC") is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. The SPLC has filed litigation against municipalities across the South challenging excessive fines and unconstitutional seizures of property. The SPLC has also published reports on civil asset forfeiture in Alabama. Leah Nelson et al. *Forfeiting Your Rights: How Alabama's Profit-Driven Civil Asset Forfeiture Scheme Undercuts Due Process and Property Rights*, ALABAMA APPLESEED (2018), https://www.splcenter.org/resources/reports/civil-asset-forfeiture-forfeiting-your-rights/. Additionally, the SPLC has worked with cities across the South to

[1] No counsel for a party authored this brief in whole or in part, and no counsel for a party (nor a party itself) made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amici* or their counsel made a monetary contribution to its preparation or submission.

reform policies related to fine and fee collection, conflicts of interest, the use of for-profit probation, and cash bail.

INTRODUCTION AND SUMMARY OF ARGUMENT

The Excessive Fines Clause is meant to "[p]rotect[] against excessive punitive economic sanctions." *Timbs v. Indiana*, 586 U.S. 146, 154 (2019). It is an essential component of our justice system, where economic punishments impact one-in-three Americans. Centering the Excessive Fines Clause analysis on the gravity of the person's conduct, as Petitioner requests, is an essential step in asking whether an economic sanction is, in fact, constitutionally excessive. It also makes good sense—focusing the constitutional inquiry on the person who has to pay. To help ground the Court's consideration of economic sanctions in the criminal legal system—all of which the Excessive Fines Clause covers—this brief provides some real-life examples of such punishments and their detrimental impacts on people and their communities.

ARGUMENT

I. Excessive Monetary Sanctions Have a Serious Detrimental Impact on People and Communities.

A. Grossly Disproportionate Forfeitures Abound, Largely Unremedied Absent Excessive Fines Clause Challenges.

Forfeiture is often used in the criminal legal system, and its "impact can be devastating." *Caplin & Drysdale*, *Chartered v. U.S.*, 491 U.S. 617, 634 (1989).

The numbers are staggering. Since 2000, the federal government has collected $57 billion worth of property through forfeitures, and state and local governments have collected around $25 billion. *See* Lisa Knewpper et al., *Policing for Profit: The Abuse of Civil Asset Forfeiture*, INST. FOR JUST. (Mar. 24, 2026), https://ij.org/report/policing-for-profit-4/.

At so large a scale, Excessive Fines Clause scrutiny is essential, so that forfeiture does not overstep its intended purposes of "serving to deter and to punish"—not financially ruin. *Austin v. U.S.*, 509 U.S. 602, 622 (1993). This Court has appropriately understood that "the amount of the forfeiture must bear some relationship to the gravity of the offense." *U.S. v. Bajakajian*, 524 U.S. 321, 334 (1998). However, as seventy-five percent of federal forfeitures are administrative—as compared to criminal or civil—courts are frequently excluded from overseeing the process firsthand. *See* Stephanie Holmes Didwania, *Asset Forfeiture and Inequality*, 77 STAN. L. REV. 159, 195-96 (2024) (finding that around three-fourths of forfeitures between 1998 and 2019 were administrative). There is also a lack of transparency within states as many—including Alaska, where Petitioner was convicted—do not report their forfeiture revenue and there is no state law requiring them to do so. *See* INST. FOR JUST., *Policing for Profit: The Abuse of Civil Asset Forfeiture*, 4th ed. (May 2025), https://ij.org/report/policing-for-profit-4/state-profile/alaska/. Meaningful judicial review—in the form of the Excessive Fines analysis—is therefore essential.

Without such scrutiny, federal, state, and local governments frequently seize people's assets with value that astronomically outweighs the gravity of the offense. Consider, for example, the facts underlying the last Excessive Fines Clause case before this Court: *Timbs v. Indiana*, 586 U.S. 146 (2019). Tyson Timbs was convicted of dealing drugs and conspiracy to commit theft.[2] Although Mr. Timbs was caught selling $225 of drugs, the state of Indiana seized his $42,000 Land Rover that he bought with his father's life insurance after he passed—worth more than *186 times* the money that exchanged hands in the drug transaction. He was also sentenced to a year of home detention, five years of probation, a court-supervised drug addiction program, and was ordered to pay $1,203 in court fees.

Other examples abound. Civil forfeiture, in particular, can lead to government seizure of personal property "without any predeprivation judicial process . . . even when the owner is personally innocent." *Leonard v. Texas*, 137 S. Ct. 847, 847 (2017) (statement of Thomas, J., respecting denial of certiorari). For instance, Michael Rogerson had his $2.5 million yacht seized after the Coast Guard found "some marijuana seeds and two stems" in a drawer

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[2] The facts of Mr. Timbs's story recounted in this brief are from the opinions in his case, and from public reporting at the time. *See Timbs*, 586 U.S. at 148-49; *State v. Timbs*, 84 N.E.3d 1179 (Ind. 2017); Adam Liptak, *He Sold Drugs for $225. Indiana Took His $42,000 Land Rover*, N.Y. TIMES (June 25, 2018), https://www.nytimes.com/2018/06/25/us/politics/supreme-court-civil-asset-forfeiture.html.

and trash can.[3] In addition to having his yacht seized, Rogerson had to pay a $1,000 fine and $600 in seizure fees, even though he was never convicted of a crime.

Another disproportionate marijuana-related seizure befell Alabama residents Greg and Teresa Almond.[4] After what turned out to be an illegal search yielded $50 worth of marijuana belonging to their adult son, law enforcement officers seized $8,000 in cash, Teresa's wedding rings, and Greg's sizeable gun collection, among other personal items. While in jail for second-degree marijuana possession, the Almonds missed a meeting with the bank to discuss refinancing their mortgage, causing them to go into foreclosure and have to live in a shed.

In another case, officers seized $91,800 in cash from a Wisconsin musician, Phil Parhamovich, after pulling him over for not wearing a seatbelt.[5] Mr. Parhamovich had planned to use the money to start a new music studio. Gerado Serrano, for his part, had his truck seized after border patrol found five low-

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[3] The facts of Mr. Rogerson's case are from Associated Press, *Fine Paid, Yacht Freed After U.S. Seized it Over Tiny Amount of Pot*, L.A. TIMES (May 11, 1988), https://www.latimes. com/archives/la-xpm-1988-05-11-mn-2603-story.html.

[4] The facts of the Almonds' case are from *Ending Business as Usual: The Need for Alabama Civil Asset Forfeiture Data Transparency*, SPLC (Feb. 12, 2025), https://www.splcenter.org/resources/reports/alabama-civil-asset-forfeiture/.

[5] The facts of Mr. Parhamovich's case are from *Wyoming Forfeiture*, INST. FOR JUST. (2017), https://ij.org/case/wyoming-forfeiture/.

caliber bullets in it.[6] Border patrol kept the truck for two years over Mr. Serrano's repeated requests for a hearing to contest the seizure of his truck. It was not until Mr. Serrano sued that the government returned the truck in attempt to moot his case.

It's not even just the particular people who have a run-in with law enforcement who are impacted. Indeed, governments have unfettered discretion to seize property without considering how it will "undermine familial and social stability." Beth A. Colgan & Nicholas M. McLean, *Financial Hardship and the Excessive Fines Clause: Assessing the Severity of Property Forfeitures After* Timbs, YALE L. J. FORUM, 433 (2020).[7] Christos and Markella Sourovelis's story serves as just one devastating example: They had their home seized after their son was arrested for selling $40 of heroin at their home.[8] They were not involved. After eight days of being unhoused, officials let the Sourovelises back into their home but required that they guarantee that they would ban their son from the house.

Post-deprivation procedures provide little solace. In Alaska, for example, while officials need only

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[6] The facts of Mr. Serrano's case are from *Eagle Pass Forfeiture*, INST. FOR JUST. (Apr. 19, 2021), https:// ij.org/case/eagle-pass-civil-forfeiture/.

[7] Available at https://yalelawjournal.org/pdf/ColganandMcLean_FinancialHardshipandtheExcessiveFinesClause_v3gq4sjh.pdf.

[8] The facts of the Sourovelises' case are from Pamela Brown, *Parents' House Seized After Son's Drug Bust*, CNN (Sept. 8, 2014), https://www.cnn.com/2014/09/03/us/philadelphia-drug-bust-house-seizure.

probable cause to effectuate a seizure, the owner must prove by a preponderance of the evidence that the property is not connected to a crime, and third-party owners must prove their own innocence to get their property back. *See* Alaska Stat. §§ 17.30.110, 114(a).

But even if a person seeks to recoup their property though the courts, "postseizure hearing[s] may be no recompense for losses caused by erroneous seizure." *U.S. v. James Daniel Good Real Property*, 510 U.S. 43, 56 (1993). In Mandrel Stuart's case, for example, police pulled him over for having dark tints on his vehicle and having a video playing in his line of sight.[9] Police seized $17,550 they found in the vehicle—money that Mr. Stuart earned from running his barbeque restaurant. Although he eventually got his money back after a year of litigation, he had to close his restaurant because he did not have his cash that he would have used to pay the bills. "Did I win? I lost my restaurant," Mr. Stuart said.

Though some people may seek to recover their forfeited property through the courts, others see these efforts as futile. Rhonda Cox, for example, had her truck seized after her 20-year-old son borrowed it one night and replaced the hood and cover with stolen parts.[10] After filing a claim to get her truck back, the

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[9] The facts of Mr. Stuart's case are from: Robert O'Harrow Jr. et al., *They Fought the Law. Who Won?*, WASH. POST (Sept. 8, 2014), https://www.washingtonpost.com/sf/investigative/2014/09/08/they-fought-the-law-who-won/.

[10] The facts of Ms. Cox's case are from ACLU of Arizona, *ACLU Challenges Civil Asset Forfeiture Laws in Arizona*, ACLU (July

county attorney said if she lost, she would have to pay all the county's attorney and investigation fees—which would exceed the value of the truck. This deterred Ms. Cox from pursuing getting the truck back, and she let the county have it.

Forfeiture is heralded by law enforcement as an "essential component" to "dismantle criminal enterprises," and "to combat the most sophisticated criminal actors." U.S. Department of Justice, *Asset Forfeiture Policy Manual*, at xi (2025), https://www.justice.gov/criminal/criminal-afmls/file/839521/dl?inline=. In reality, most forfeitures, like Mr. Jouppi's misdemeanor, involve low-severity crimes or no criminal conviction at all. *See* Lisa Knewpper et al., *Policing for Profit: The Abuse of Civil Asset Forfeiture*, INST. FOR JUST. 7 (4th ed.), https://ij.org/report/policing-for-profit-4/executive-summary/ (noting most uses of civil forfeiture do not involve the proceeds of major criminal enterprises, and nearly half of forfeitures occur without anyone being convicted of a crime). In Chicago, for example, only around five percent of forfeitures involved violent crime; over half of civil forfeitures were for alleged drug possession and forty-four percent were for driving offenses. *See* Naomi Johnson et al., *I Don't Know Why I'm Here. Observations from Cook County's Civil Asset Forfeiture Courtrooms*, CHICAGO APPLESEED CTR. FOR FAIR COURTS AND CHICAGO COUNCIL OF LAWYERS, 7 (Apr. 2023), https://www.chicagoappleseed.org/wp-content/upload

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22, 2015), https://www.aclu.org/press-releases/aclu-challenges-civil-asset-forfeiture-laws-arizona.

s/2023/04/FINAL-updated-Civil-Asset-Forfeiture-Report-April-2023.pdf.

Public opinion—in addition to common sense—is against such disproportionate forfeitures. One study found that when it comes to forfeitures relating to low level offenses, public perceptions are more likely to view the seizure as "very unfair" and "very excessive"—even when the forfeited property value is relatively low. *See* Stephanie Holmes Didwania & Matthew B. Kugler, *Fairness and Excess in Asset Forfeiture*, 101 WASH. U. L. REV. (forthcoming 2026) (manuscript at 40), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6869671

Given the lack of oversight and transparency, it is unsurprising that the forfeiture system "has led to egregious and well-chronicled abuses." *Leonard*, 137 S. Ct. at 848 (Thomas, J., respecting the denial of certiorari). The judiciary is responsible for being the bulwark against grossly disproportionate fines. In practice, however, many courts end the inquiry at whether the forfeiture is authorized by the law without assessing the specific circumstances surrounding the crime. This Court can and should correct that injustice now.

B. Economic Punishments Senselessly Cripple People, Families, and Communities.

Criminal punishments carry countless fines, fees, and costs. Less flashy than egregious uses of the forfeiture power, these fines and fees can nevertheless have the same destructive power over people and families, and are under the ambit of the Excessive

Fines Clause. They are also extremely pervasive. Since 2023, one in three Americans has been directly impacted by court fines or fees. *See* Wilson Center for Science and Justice, *Debt Sentence: How Fines and Fees Hurt Working Families*, FINES & FEES JUSTICE CENTER, 4 (2023), https://wcsj.law.duke.edu/wp-content/uploads/2023/05/Debt_Sentence_FFJC-Wilson Center-May-2023.pdf. As a result, the total amount of fines and fees debt across each state combined is estimated to be over $27.6 billion. *See* Briana Hammons, *Tip of the Iceberg: How Much Criminal Justice Debt Does the U.S. Really Have?*, FINES & FEES JUSTICE CENTER, 4 (2020), https://finesandfeesjusticecenter.org/wp-content/uploads/2021/04/Tip-of-the-Iceberg_Criminal_ Justice_Debt_BH1.pdf.[11]

In general, these fines and fees compound and severely burden people, especially formerly incarcerated people who are nearly "10 times more likely to be homeless than the general public." Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, PRISON POLICY INITIATIVE (Aug. 2018), https://www.prisonpolicy.org/reports/housing.html. One study found that over ninety-eight percent of respondents reported that their fines and fees impacted at least one aspect of daily life, and sixty-one percent of respondents experienced essential hardships related to housing, food, employment, health, childcare, and

[11] The report noted that, although $27.6 billion is the best figure given the data available, experts strongly believe this number is underestimated due to twenty-five states not reporting their court debt totals. *See* Briana Hammons, *supra*, at 4.

transportation. *See* Wilson Center for Science and Justice, *supra*, at 13.

Our organizations have a substantial number of incarcerated clients, and through this work, we have witnessed how fines and fees make it extremely difficult for formerly incarcerated people to survive. For example, in Louisiana, where we each have an office, courts may impose a fine, order restitution to be paid to the victims, and also charge other various fees such as a $5 mandatory fee, a fine up to $500 for misdemeanors and $2,500 for felonies, up to $100 in court costs, and a $14 transcript fee, among other court costs. *Cain et al.*, *v. City of New Orleans*, *et al.*, 281 F. Supp. 3d 624, 628-29 (E.D. La. Dec. 13, 2017) (noting that Cain owed $901.50 in fines and fees, and $1,800 in restitution).[12] Many local governments across the country rely on this money as the revenue collected makes up significant portions of, and in some cities exceeds, their general revenue. *See* Vittorio Nastasi, *Report: Fine Revenue Exceeds 50% of General Revenue in 42 Cities Across the Country*, REASON FOUNDATION (June 25, 2026), https://reason.org/

[12] Some states even impose an additional surcharge on court ordered monetary sanctions: fees on fees. *See e.g.*, Ariz. Rev. Stat. §§ 12-116.01(A)-(C)) ("In addition to any penalty provided by law, a surcharge shall be levied in an amount of forty-two percent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected."); Cal. Pen. Code § 1464 ("[T]here shall be levied a state penalty in the amount of ten dollars ($10) for every ten dollars ($10), or part of ten dollars ($10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses.").

commentary/fine-revenue-exceeds-50-percent-general-revenue-42-cities/ (finding that 275 local governments in twenty-five states collected fines and forfeitures exceeding ten percent of general revenue, forty-two cities exceeded fifty percent, and thirteen cities reported collecting 100 percent or more their general revenue).

In Louisiana, some local governments collect 90 percent or more of their revenue from fines and fees. In those municipalities, the budget actually depends on imposing lasting detrimental burdens that perpetuate a cycle of poverty and reincarceration. *See* Nastasi, *supra*. This is reflected in a Louisiana case *amici* SPLC successfully settled against the Bogalusa City Court and City Court judge who relied on fines and court costs to offset annual funding shortfalls ranging from twenty-five percent to thirty-three percent. Mem. in Supp. of Prelim. Inj. 4-5, *Cook v. Black*, No. 2:16-cv-11024 (E.D. La., settled 2017), ECF 25-1. SPLC sued the city court and judge for violating due process, alleging that the court's funding arrangement induced the judge to maximize revenue by, among other things, refusing to consider a person's ability to pay before jailing them for nonpayment. *Id.* at 1. SPLC's client, a young man sentenced to pay over $450 for stealing $5 worth of ground beef and pizza to feed his family, was jailed when he couldn't afford the court's $50 extension fee—a fee that was also unauthorized by state law. *Id.* at 10-11.

To make matters worse, people are currently disincentivized from bringing an Excessive Fines Clause claim in such courts because it would require that they do so in a forum that depends on the very fines, fees, and forfeitures, they seek to challenge.[13] If this Court were to adopt Alaska's interpretation of the Excessive Fines Clause, defendants in those courts cited above would be further disincentivized, while courts and local governments would have an incentive to levy the maximum of fines and fees allowed under their ordinances—regardless of the seriousness of a person's conduct—to generate additional revenue. The unintended consequences of such a decision may compound harms on society's most vulnerable and leave them no avenue for relief.

Gabrielle Perry, for example, was arrested in 2014 on charges of payroll fraud from a student work-study program while she attended Louisiana State University.[14] After having this arrest on her record, she couldn't get a job, couldn't find a place to live, and didn't have the money to pay the $1,500 in court fees and restitution. Using all the money she had to pay

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[13] Although this Court has recognized a due process right to be free from criminal adjudications by a court with a financial conflict of interest in the outcome, *see Ward v. Village of Monroeville*, 409 U.S. 57 (1972), that is not an adequate substitute for a cause of action under the Excessive Fines Clause that considers a person's wrongdoing instead of an abstract statutory definition. *Ward* and its progeny require a unity of the judicial and executive function paired with a significantly high percentage of an entity's total revenue attributable to fines and fees as elements for a due process violation—factors that will not be present for most defendants who face an excessive fine or fee.

[14] The facts of Ms. Perry's case are from Garrett Hazelwood, *Louisiana Law Gives Judges a Financial Incentive to Set High Bail and Secure Convictions*, LOUISIANA ILLUMINATOR (Feb. 1, 2024), https://lailluminator.com/2024/02/01/judicial-expense-funds/.

the court fees, Ms. Perry was unhoused for almost a year.

Another example out of Louisiana is Kade Duplechin, who was arrested in 2019 for resisting arrest and simple burglary for trespassing in a scrap yard near where he slept while he was unhoused.[15] Although he was only accused of entering the yard through a gap in the fence without causing any damage and taking a few handfuls of bolts, Mr. Duplechin took a deal to plead guilty to unlawful entry with the intent to commit a felony and receive probation rather than risk a twelve-year sentence. Despite Mr. Duplechin being unhoused and impoverished before his arrest, the judge fined him: \$750 (ordering him to pay \$435.50 within six months) for the crime; \$100 for the drug abuse fund; \$60 a month for probation fees; \$250 to the crime lab; and \$11 for the sex offender registry technology fund, even though his case did not involve labs or sex. After his release in 2020, during the pandemic, Mr. Duplechin couldn't pay the fees and had to go back to living on the street. Without a cell phone, he couldn't make parole calls to check in, he had no work, no address to get mail, and no car to get to court. After spending two years trying to get back on his feet, Mr. Duplechin found out he had a warrant for his arrest, and that he owed \$2,970.50 in fines and court fees, plus \$2,100 for parole fees. With no resources or support, he was

[15] The facts of Duplechin's case can be found in Hazelwood, *supra* at n.14.

arrested in 2023 for petty theft and was sent back to jail for seven months with another year of probation.

Another challenge people face is that the conditions resulting from being saddled with fines and fees often make it even more difficult for people to pay their court debts. For example, sixteen states have laws that impose mandatory driver's license suspensions for failure to pay fines and fees. *See* Priya Sarathy Jones et al., *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, FREE TO DRIVE, (last updated Dec. 24, 2024), https://www.freetodrive.org/maps/.[16] Overall, nearly 11 million people have a suspended driver's license related to unpaid fines and fees. Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 875 (2021).[17]

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[16] *See e.g.*, Alaska (Alaska Stat. § 28.15.181(g)); North Dakota (N.D. Cent. Code Ann. § 39-06-32); South Dakota (SDCL § 32-12-49); Nebraska (Neb. Rev. St. § 60-4,100 (1)); Kansas (Kan. Stat. Ann. 8-2110); Wisconsin (W.S.A. 345.47(1)); Iowa (I.C.A. § 321.210A); Missouri (Mo. Ann. St. § 302.341); Tennessee (Tenn. Code Ann. § 40-24-105(b)); Florida (Fla. Stat. Ann. § 322.245; Fla. Stat. Ann. § 318.15; North Carolina (N.C.G.S.A. §§ 20-24.1, 20-24.2); Pennsylvania (75 Pa. C.S.A. § 1533(a)); Rhode Island (R.I. Gen. L. § 31-11-25 (as amended by 2019 Rhode Island Laws Ch. 19-217 (19-H 6254)), effective July 15, 2019)); Connecticut (C.G.S.A. §§ 14-111, C.G.S.A. §§ 14-111m, C.G.S.A. §§ 14-140); New Hampshire (N.H. Rev. Stat. Ann. § 263:56-a); Massachusetts (M.G.L.A. 90C § 3).

[17] *Amici* jointly reached an agreement with the State of Mississippi to reinstate about 100,000 driver's licenses suspended for failing to pay fines without any consideration of ability to pay. The agreement helped reinstate the driver's

Decades of empirical data have correlated a person having a driver's license to employment opportunities.[18] Once someone's driver's license is suspended, it is estimated that they will lose $12,700 in annual earnings. *See* Colleen Chien et al., *Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License*, 64 ARIZ. L. REV. 675, 709 (2022). As a result, court debt traps people in a cycle of struggling to find employment to pay their fines and fees, and if their job does not pay enough, they are at risk of losing their driver's license, and their job. *See e.g.*, Mark Puente and Tara Morgan, *No License to Drive: Why So Many Ohioans are Barred From Driving*, THE MARSHALL

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license of one woman who donated plasma to pay her living expenses. *See SPLC Reaches Agreement With Mississippi to Reinstate Over 100,000 Drivers' Licenses Suspended for Non-Payment of Fines,* SOUTHERN POVERTY LAW CENTER (Dec. 19, 2017), https://www.splcenter.org/resources/stories/splc-reaches-agreement-mississippi/.

[18] *See e.g.*, John A. Carnegie, *Driver's License Suspensions, Impacts and Fairness Study*, N.J. DEPT. OF TRANSP., at 56 (Aug. 2007), https://www.nj.gov/transportation/business/research/reports/FHWA-NJ-2007-020-V1.pdf (finding that 42% of people who had their license suspended in New Jersey also lost their job); *see also* Robert Cervero et al., *Transportation as a Stimulus of Welfare to-Work: Private versus Public Mobility*, J. OF PLAN. EDUC. AND RES., 18-23 (Sept. 2002), https://journals.sagepub.com/doi/10.1177/0739456X0202200105 (finding that owning a car increased the odds of finding a job); George Julnes et al., *Illinois Study of Former TANF Clients*, INST. FOR PUB. AFF., U. OF ILL., 104 (July 2000), https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//139321/tanf_finalrpt.pdf (finding that about 41% of TANF recipients that were unemployed struggled with transportation).

PROJECT (Aug. 10, 2023), https://www.themarshallproject.org/2023/08/10/ohio-drivers-suspended-for-unpaid-fines.

Derrick Sprouse, for example, had his license suspended for more than two decades for outstanding criminal legal debt.[19] Living in Memphis, Tennessee, where public transportation is lacking, Mr. Sprouse had no choice but to drive with a suspended license. By trying to go to work and pay down his fines, he incurred more tickets, more fines, and even had his car towed by police. Mr. Sprouse's fines eventually amounted to $8,900, plus $1,500 to reinstate his driver's license. "There's nothing you can really do. They want you to pay it off, but how can you pay it off if you can't work?," Mr. Sprouse said.

And although monetary sanctions are intended to punish a particular person, the financial burden often impacts the person's family and community. One study found that the average family paid $13,607 in court-related costs. *See* Saneta deVuono-Powell et al., *Who Pays? The True Cost of Incarceration on Families*, ELLA BAKER CTR. FOR HUM. RTS., 14 (2015), https://ellabakercenter.org/wp-content/uploads/2022/09/Who-Pays-FINAL.pdf.

In some instances, families overextend themselves to help their loved ones' pay their fines and fees, but

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[19] The facts of Mr. Sprouse's case are from Nazish Dholakia, *Counterproductive Laws that Suspend Driver's Licenses for Unpaid Fines and Fees Make it Harder for Millions to Work and Provide for Their Families*, VERA (2022), https://www.vera.org/news/drivers-license-suspensions-for-unpaid-debt.

end up making their financial situation much worse. After Veronica (pseudonym) was arrested, detained, and spent ten days in jail, her mother put her house on the line to raise $2,500 to purchase a bail bond and pay government fees.[20] She knew she would never get the money back, but paid for it because it was the only way her daughter would get out of jail.

Further, the economic impact of court-imposed monetary sanctions has been shown to exacerbate existing marginalization among socioeconomically disadvantaged communities. *See* C. Clare Strange et al., *A Geospatial Analysis of Legal Financial Obligations, Crime, and Marginalization in Philadelphia*, J. CRIME AND JUST., 12-14, (Feb. 2026), https://www.tandfonline.com/doi/epdf/10.1080/0735648X.2026.2638811?needAccess=true. For example, a study in Philadelphia found that the highest rates of legal financial obligations occurred in North and West Philadelphia—communities that are "home to the largest Black and Latino populations." *Id.* at 14-15.

Despite the many financial burdens caused by court debt, courts in some jurisdictions nonetheless treat nonpayment of court fines and fees as an intentional act that warrants further punishment. For example, *amici* jointly filed a lawsuit against the city of Corinth, Mississippi for operating a modern-

[20] The facts of Veronica's case were taken from: Mathilde Laisne et al., *Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans*, 1, VERA (Jan. 2017), https://vera-institute.files.svdcdn.com/production/downloads/publications/past-due-costs-consequences-charging-for-justice-new-orleans.pdf?dm=1568745847.

day debtors' prison, unlawfully jailing poor people for their inability to pay court fines. *See* Complaint, *Brown v. City of Corinth*, ECF No. 1, No. 1:17-cv-00204 (N.D. Miss. Dec. 5, 2017). A sign on the clerk's office read: "IF YOU DO NOT PAY [THE FINE] YOU WILL BE INCARCERATED UNTIL THE FINE IS PAID." *Id.* at 10. One of our plaintiffs, for example, was jailed because of $1,250 in fines and court costs for three unpaid parking tickets. Matthew Shaer, *How Cities Make Money by Fining the Poor*, N.Y. TIMES MAGAZINE (Jan. 8, 2019), https://www.nytimes.com/2019/01/08/magazine/cities-fine-poor-jail.html.

Additionally, through MJC's work in Mississippi, we learned that the Northern District of Mississippi conducts *sua sponte* hearings that order people who owe restitution to review their finances in open court—and often without counsel. *See e.g.*, *U.S. v. Sensing*, Nos. 21-60662 & 21-60691, 2023 WL 167201 (5th Cir. Jan. 12, 2023). These hearings were humiliating, unfair, and arbitrary, often revealed the judge's complete lack of understanding of the reality of these people's lives.

For example, Max Miller was directed to appear at miscellaneous hearings to testify about his finances without counsel, in order to figure out a plan to pay his restitution. *See In Re: Max H. Miller Restitution*, No. 1:21-mc-00004-SA, Doc. No. 1 (N.D. Miss. Apr. 12, 2021); *Miller*, Doc. No. 5 (N.D. Miss. June 8, 2021). At the hearings, the judge told Mr. Miller he should not pay any rent, nor his child's cellphone bills, and he was forbidden from repaying his other debts. *See* Transcript of Show Cause Hearing at 15, 19–21, *In Re: Max H. Miller Restitution*, No. 1:21-mc-00004 SA, Doc. No. 11 (N.D. Miss. Apr. 22, 2021) (hereinafter "4/22/21 Transcript"); *see also* Transcript of Show Cause Hearing at 5, *In Re: Max H. Miller Restitution*, No. 1:21-mc-00004-SA, Doc. No. 10 (N.D. Miss. June 15, 2021) (hereinafter "6/15/21 Transcript"). The court also arbitrarily increased his restitution payments from $100 to $500 and ordered him to find a higher paying job in thirty days or else be moved to a halfway house to speed up his restitution payments. *See* 4/22/21 Transcript at 13-14, 22-23, 25-26, 29. The judge also ordered Mr. Miller to sell a 1986 Jeep that his late father left him even though it did not run, and he could not locate the deed. *Id*. at 30; *see also* 6/15/21 Transcript at 14. Mr. Miller tried to sell it for $50, which was his best offer because it would have cost him $200 to get it moved for scrap metal. 6/15/21 Transcript at 15-16. However, the judge forbade him from selling his Jeep for $50. *Id*. at 18.

Another woman, who was dutifully making her restitution payments, was nevertheless ordered to repossess a $1,000 gift to her son to allow him to buy a car. For good measure, the court also ordered her to sell her pickup truck, and recoup $340.49 she spent on a trip to Alabama. *See* Order, *In Re: Tracy Smith Restitution*, No. 3:21-mc-00007-SA, Doc. No. 3 (N.D. Miss. Mar. 8, 2021). The judge also forbade her from going out to eat. Transcript of Show Cause Hearing, *In Re: Tracy Smith Restitution*, No. 3:21-mc-0007-SA, Doc. No. 9 at 29 (N.D. Miss. May 1, 2022).

In another case, the judge ordered the person to sell his family's home, liquidate his bank accounts, stop paying his credit cards, and divert money from his retirement toward restitution while also continuing his monthly payments. Order at 1-2, *In Re: Nathaniel Brown Restitution*, No. 4:21-mc-00001-SA, Doc. No. 3 (N.D. Miss. Mar. 8, 2021); *Id.*, Doc. No. 9; *Id.*, Doc. No. 25. After the defendant used the last of his wife's savings to hire an attorney to assist him in the hearings, the court commented that it would consider whether the money Mr. Brown spent to hire a lawyer could have been better spent towards paying his restitution. *Id.*, Transcript of Show Cause Hearing at 5, Doc. No. 30 (N.D. Miss. Aug. 16, 2021). The judge then ordered him to sell his marital home at the lowest price that would attract a quick buyer and the court's order even dictated the list price for the home. *Id.* at 11-13; Order at 1, *Brown*, No. 4:21-mc 00001-SA, Doc. No. 25.

A meaningful Excessive Fines Clause jurisprudence that accounted for circumstances of a particular person could help protect against some of these abuses.

CONCLUSION

For the foregoing reasons, the judgment of the Alaska Supreme Court should be reversed and the case remanded for a proper application of the Excessive Fines Clause.

Respectfully submitted,

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