

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

GARY WAYNE SUTTON,

Petitioner

v.

STATE OF TENNESSEE,

Respondent

On Petition for Writ of Certiorari
To The Tennessee Supreme Court


MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Gary Wayne Sutton, pursuant to Rule 39 of the Rules of the Supreme Court of the United States, respectfully requests leave to file the attached Petition for Writ of Certiorari to the Tennessee Supreme Court without prepayment of costs and to proceed *in forma pauperis*.

On October 16, 2006, the United States District Court for the Eastern District of Tennessee appointed Federal Defender Services of Eastern Tennessee, Inc., to represent Mr. Sutton pursuant to 18 U.S.C. § 3599, and allowed Petitioner to proceed *in forma pauperis*. See Sup. Ct. R. 39(1). Petitioner was declared indigent at his trial in 1992 and continued to proceed *in forma pauperis* in other proceedings in state and federal courts.

For the forgoing reasons, Petitioner respectfully requests that this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully submitted,



SUSANNE BALES
ASSISTANT FEDERAL COMMUNITY DEFENDER
Counsel of Record for Petitioner
FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.
800 S. GAY STREET, SUITE 2400
KNOXVILLE, TN 37929
PHONE: (865) 637-7979
FACSIMILE: (865) 637-7999
Susanne_Bales@fd.org

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