

In the Supreme Court of the United States

Missouri,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 18-285
Phillip Douglass,)	
and)	
Jennifer M. Gault,)	
)	
Respondents.)	

AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

Affidavit in Support of Motion	Instructions
<p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p>	<p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p>
<p>Signed: <u>Phillip Douglass</u></p>	<p>Date: <u>12-4-18</u></p>

Phillip Douglass



TRAVIS J. JACKSON
My Commission Expires
February 12, 2022
Clay County
Commission #18479158

Travis Jackson
Notary

My issues on appeal are:

Despite the phrasing of the appellate issues by the State of Missouri, **the only issue on appeal is whether evidence seized pursuant to a general warrant is admissible in a criminal trial.**

The State of Missouri has asserted the issues on appeal are as follows: (1) Whether severance is the default remedy when part of a warrant is valid, or whether the Fourth Amendment requires that the valid sections make up “the greater part of the warrant”; (2) whether the particularity clause—which requires a warrant to describe “the place to be search[ed]” and “the things to be seized” with sufficient particularity— also requires a warrant to state its probable-cause findings with particularity; and (3) whether the exclusionary rule applies when the issuing judge signs off on the officer’s legal mistake in filling out a warrant form.

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0	\$ N/A	\$0	\$ N/A
Self-employment	\$1000	\$ N/A	\$2000	\$ N/A
Income from real property (such as rental income)	\$0	\$ N/A	\$0	\$ N/A
Interest and dividends	\$0	\$ N/A	\$0	\$ N/A
Gifts	\$0	\$ N/A	\$0	\$ N/A
Alimony	\$0	\$ N/A	\$0	\$ N/A
Child support	\$0	\$ N/A	\$0	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$0	\$ N/A	\$0	\$ N/A
Disability (such as social security, insurance payments)	\$0	\$ N/A	\$0	\$ N/A

Unemployment payments	\$0	\$ N/A	\$0	\$ N/A
Public assistance (such as welfare)	\$0	\$ N/A	\$0	\$ N/A
Other (specify): Fire Insurance Proceeds from Lost Home (not sure this is "income")	\$3,250	\$ N/A	\$0	\$ N/A
Total monthly income:	\$4,250	\$ N/A	\$2000	\$ N/A

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
Douglass Exterior – Self Employed	8324 South Outer Belt Road, Oak Grove, MO 64075	5/20/15 – Present	\$1083.33
N/A	N/A	N/A	\$N/A
N/A	N/A	N/A	\$N/A

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. *How much cash do you and your spouse have? \$_150.00_____*

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Equity Bank	checking	\$3000.00	\$ N/A
N/A	N/A	\$N/A	\$ N/A
N/A	N/A	\$N/A	\$ N/A

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

Home	Other real estate	Motor vehicle #1
(Value) \$N/A	(Value) \$N/A	(Value) \$300.00
N/A	Previous home burned down, involved in lawsuit. Believe it sold as part of the suit for \$15,000 – if contract has not closed, I still technically own it with brother. I may be entitled to 50% of this money.	Make and year: 1992 Ford
		Model: F-150
		Registration #: unknown

Motor vehicle #2	Other assets	Other assets
(Value) \$600.00	(Value) \$N/A	(Value) \$N/A
Make and year: 1998 Ford	N/A	N/A
Model: F-150	N/A	N/A
Registration #: unknown	N/A	N/A

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A

7. *State the persons who rely on you or your spouse for support.*

Name [or, if under 18, initials only]	Relationship	Age
Jennifer Gaulter	Long-Term Girlfriend	41
N/A	N/A	N/A
N/A	N/A	N/A

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home) Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$1000	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$375	\$ N/A
Home maintenance (repairs and upkeep)	\$800	\$ N/A
Food	\$200	\$ N/A
Clothing	\$200	\$ N/A
Laundry and dry-cleaning	\$30	\$ N/A
Medical and dental expenses	\$0	\$ N/A

Transportation (not including motor vehicle payments)	\$200	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$0	\$ N/A
Life:	\$0	\$ N/A
Health:	\$0	\$ N/A
Motor vehicle:	\$100	\$ N/A
Other:	\$0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$200	\$ N/A
Installment payments		
Motor Vehicle:	\$0	\$ N/A
Credit card (name):	\$0	\$ N/A
Department store (name):	\$0	\$ N/A
Other:	\$0	\$ N/A
Alimony, maintenance, and support paid to others	\$0	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$700	\$ N/A
Other (specify):	\$0	\$ N/A
Total monthly expenses:	\$3805.00	\$ N/A

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes No If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* Yes No

Attorney John Humphrey represented Douglass and Gaulter at the trial level and at the Court of Appeals, Western District of Missouri for a total charge of:

If yes, how much? \$ __7,500 (for both Douglass and Gaulter)_____

Attorney Clayton Gillette initiated representation and Attorney John Humphrey continued to represent Douglass and Gaulter at the Supreme Court of Missouri for no charge (*i.e.*, Douglass and Gaulter have not paid Attorney Gillette and Attorney Humphrey any attorney fees or expenses for the proceedings at the Supreme Court of Missouri – or in this Court).

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

The State of Missouri Petitioned this Court in this matter. Douglass and Gaulter do not owe docket fees in this matter.

As part of the home burning down and insurance payment, there was a lawsuit involving the insurance proceeds. Approximately \$107,000.00 insurance payout was paid into the Jackson County Courthouse. The judgment, now on appeal, requires an even split of this money with my brother, with the exception that approximately \$23,000 is still due to the mortgage company. Therefore, roughly \$84,000 would be split between my brother and myself for \$42,000 when the Judgment is complete. Most, if not all of this is spoken for via loans since our house burned down.

Currently, based on loans, I owe approximately \$30,000 to various individuals. They are not currently demanding repayment, but expect to be repaid from the lawsuit proceeds.

12. *State the city and state of your legal residence.*

Your daytime phone number: (816) 267-0420

Your age: 56 _____ *Your years of schooling:* 12 _____

Last four digits of your social-security number: 2991 _____

My issues on appeal are:

Despite the phrasing of the appellate issues by the State of Missouri, **the only issue on appeal is whether evidence seized pursuant to a general warrant is admissible in a criminal trial.**

The State of Missouri has asserted the issues on appeal are as follows: (1) Whether severance is the default remedy when part of a warrant is valid, or whether the Fourth Amendment requires that the valid sections make up “the greater part of the warrant”; (2) whether the particularity clause—which requires a warrant to describe “the place to be search[ed]” and “the things to be seized” with sufficient particularity— also requires a warrant to state its probable-cause findings with particularity; and (3) whether the exclusionary rule applies when the issuing judge signs off on the officer’s legal mistake in filling out a warrant form.

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0	\$ N/A	\$0	\$ N/A
Self-employment	\$600	\$ N/A	\$0	\$ N/A
Income from real property (such as rental income)	\$0	\$ N/A	\$0	\$ N/A
Interest and dividends	\$0	\$ N/A	\$0	\$ N/A
Gifts	\$200	\$ N/A	\$0	\$ N/A
Alimony	\$0	\$ N/A	\$0	\$ N/A
Child support	\$0	\$ N/A	\$0	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$0	\$ N/A	\$0	\$ N/A
Disability (such as social security, insurance payments)	\$0	\$ N/A	\$0	\$ N/A

Unemployment payments	\$0	\$ N/A	\$0	\$ N/A
Public assistance (such as welfare)	\$0	\$ N/A	\$0	\$ N/A
Other (specify): Fire Insurance Proceeds from Lost Home (not sure this is "income")	\$0	\$ N/A	\$0	\$ N/A
Total monthly income:	\$800	\$ N/A	\$0	\$ N/A

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
Self	8324 South Outer Belt Road, Oak Grove, MO 64075	4/1/2017 – Present	\$600
Unemployed prior to 4/1/2017	N/A	N/A	\$N/A
N/A	N/A	N/A	\$N/A

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. *How much cash do you and your spouse have? \$_100.00_____*

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A	N/A	\$N/A	\$ N/A
N/A	N/A	\$N/A	\$ N/A
N/A	N/A	\$N/A	\$ N/A

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

Home	Other real estate	Motor vehicle #1
(Value) \$6,500	(Value) \$N/A	(Value) \$400.00
8324 South Outer Belt Road, Oak Grove, MO 64075	N/A	Make and year: 1999 Dodge
And		Model: Ram
8402 South Outer Belt Road, Oak Grove, MO 64075		Registration #: unknown

Motor vehicle #2	Other assets	Other assets
(Value) \$N/A	(Value) \$N/A	(Value) \$N/A
Make and year: N/A	N/A	N/A
Model: N/A	N/A	N/A
Registration #: unknown	N/A	N/A

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A

7. *State the persons who rely on you or your spouse for support.*

Name [or, if under 18, initials only]	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home mortgage payment (include lot rented for mobile home) Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$0	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$300	\$ N/A
Home maintenance (repairs and upkeep)	\$0	\$ N/A
Food	\$200	\$ N/A
Clothing	\$200	\$ N/A
Laundry and dry-cleaning	\$30	\$ N/A
Medical and dental expenses	\$35	\$ N/A

Transportation (not including motor vehicle payments)	\$100	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$100	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$0	\$ N/A
Life:	\$0	\$ N/A
Health:	\$0	\$ N/A
Motor vehicle:	\$100	\$ N/A
Other:	\$0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$100	\$ N/A
Installment payments		
Motor Vehicle:	\$0	\$ N/A
Credit card (name):	\$0	\$ N/A
Department store (name):	\$0	\$ N/A
Other:	\$0	\$ N/A
Alimony, maintenance, and support paid to others	\$0	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$0	\$ N/A
Other (specify): MODOT	\$50	\$ N/A
Total monthly expenses:	\$1215.00	\$ N/A

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes No If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* Yes No

Attorney John Humphrey represented Douglass and Gaulter at the trial level and at the Court of Appeals, Western District of Missouri for a total charge of:

If yes, how much? \$ __7,500 (for both Douglass and Gaulter)_____

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The State of Missouri Petitioned this Court in this matter. Douglass and Gaulter do not owe docket fees in this matter.

12. *State the city and state of your legal residence.*

Your daytime phone number: (816) _833-6721__

Your age: 41_____ *Your years of schooling:* _16_____

Last four digits of your social-security number: _1277_____