

NO. 18-35

IN THE SUPREME COURT OF THE UNITED STATES

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COMMONWEALTH OF PENNSYLVANIA

Petitioner,

v.

RODERICK JOHNSON,

Respondent.

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**RESPONDENT'S MOTION AND AFFIRMATION  
FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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Respondent, Roderick Johnson, through counsel, respectfully moves for leave to proceed *in forma pauperis* and submits as follows:

1. This case is before the Court on a petition for writ of certiorari.
2. Respondent, an incarcerated state prisoner, is indigent and was previously found to be indigent by this Court and the Berks County, Pennsylvania, Court of Court of Common Pleas (orders attached)
3. Respondent is incarcerated and is without funds to secure the services necessary to proceed in this Court (*e.g.*, printing costs, etc.) or to pay any fees.
4. Undersigned counsel affirm that all statements related above are true and correct and request that Respondent be permitted to proceed *in forma pauperis* pursuant to Supreme Court Rule 39.1.

WHEREFORE, Respondent requests that the Court allow him to proceed *in forma pauperis*.

Respectfully submitted,

/s/ David Zuckerman  
DAVID ZUCKERMAN  
SAMUEL J.B. ANGELL  
Assistant Federal Defenders  
Federal Community Defender Office for the  
Eastern District of Pennsylvania  
The Curtis Center - Suite 545 West  
601 Walnut Street  
Philadelphia, PA 19106  
(215) 928-0520

Counsel for Respondent, Roderick Johnson

Dated: September 5, 2018

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

October 7, 2013

Mr. David Zuckerman  
Federal Community Defender Office Eastern District PA  
Capital Habeas Unit, Suite 545 West, The Curtis Center  
601 Walnut Street  
Philadelphia, PA 19106

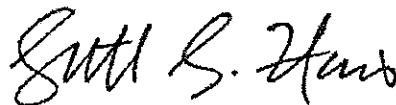
Re: Louis S. Folino, Superintendent, State Correctional Institution at  
Greene, et al.  
v. Roderick Johnson  
No. 12-1218

Dear Mr. Zuckerman:

The Court today entered the following order in the above-entitled case:

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
: OF BERKS COUNTY, PENNSYLVANIA  
: CRIMINAL DIVISION

vs.

: No. 118/97

RODERICK JOHNSON

: KELLER, JUDGE

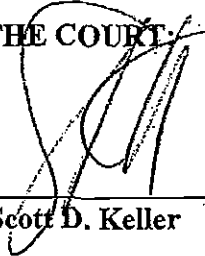
DN-0530

Sci/Greene

ORDER

AND NOW, this 13<sup>th</sup> day of January 2004, upon consideration of the defendant's Verified Statement of *In Forma Pauperis* for Purposes of Appeal, it is hereby **ORDERED AND DECREED** that said motion is **GRANTED**.

BY THE COURT:



Judge Scott D. Keller

Deputy

BERKS COUNTY, PA.

04 JAN 13 P4:17

CLERK OF COURTS

Extract from the record of said court

Certified this 14 day of Jan 2004

JAMES P. TROUTMAN

Clerk of Common Pleas - Criminal Division

Per Booby Good Deputy

# COURT OF COMMON PLEAS OF BERKS COUNTY

DOCKET



Docket Number: CP-06-CR-0000118-1997  
**CRIMINAL DOCKET**

Court Case

Commonwealth of Pennsylvania  
v.  
Roderick Andre Johnson

Page 14 of 39

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	12/16/1997		Migrated, Filer
Deft.'s Appeal to Pa. Supreme Court Deft.'s Appeal to Pa. Supreme Court of Sentence 11/26/97			
2	12/16/1997		Migrated, Filer
In Forma Pauperis Verified Statement, In Forma Pauperis Verified Statement, filed			
1	12/17/1997		Migrated, Filer
Order for transcription of Pretrial Order for transcription of Pretrial hearing on 4/25/97 Order for transcription of Pretrial hearing on 6/27/97 Order for transcription of Pretrial hearing on 7/11/97 Order for transcription of Pretrial Conference on 9/17/97 Order for transcription of Pretrial hearing on 11/7/97			
2	12/17/1997		Migrated, Filer
Order for transcription of Voir Dire Order for transcription of Voir Dire and all other factual & legal proceedings on 11/12/97 - 11/14/97 Order for transcription of Trial & Sent.on 11/18/97-11/26/97			
1	12/19/1997		Migrated, Filer
Order for statement of matters complaine Order for statement of matters complained of on appeal. Order re: Mtn to Proceed in Forma Pauperis on Appeal-GRANTED			
1	12/22/1997		Migrated, Filer
Copy of Notice of Appeal, etc. mailed Copy of Notice of Appeal, etc. mailed to Supreme Court			
1	12/31/1997		Migrated, Filer
Stenographer's transcript, lodged. Testi Stenographer's transcript, lodged. Testimony 11/20/97			
2	12/31/1997		Migrated, Filer
Stenographer's transcript, lodged. Testi Stenographer's transcript, lodged. Testimony 11/18/97			

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Roderick Johnson, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

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	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Self-employment	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Gifts	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Alimony	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Child Support	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	\$ <u>none</u>	\$ <u>N/A</u>	\$ <u>none</u>	\$ <u>N/A</u>

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

Employer	Address	Dates of Employment	Gross monthly pay
<u>None</u> <u>N/A</u>	<u>None</u> <u>N/A</u>	<u>None</u> <u>N/A</u>	\$ <u>None</u> \$ <u>N/A</u> \$ <u>N/A</u>

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
<u>None</u> <u>N/A</u>	<u>None</u> <u>N/A</u>	<u>None</u> <u>N/A</u>	\$ <u>None</u> \$ <u>N/A</u> \$ <u>N/A</u>

4. How much cash do you and your spouse have? \$ None  
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
<u>None</u> <u>N/A</u>	<u>None</u> <u>N/A</u>	\$ <u>None</u> \$ <u>N/A</u>	\$ <u>None</u> \$ <u>N/A</u>

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

Home  
Value None

Other real estate  
Value None

Motor Vehicle #1  
Year, make & model None  
Value N/A

Motor Vehicle #2  
Year, make & model None  
Value N/A

Other assets  
Description None  
Value 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
<u>none</u>	\$ <u>none</u>	\$ <u>none</u>
<u>none</u>	\$ <u>none</u>	\$ <u>none</u>
<u>none</u>	\$ <u>none</u>	\$ <u>none</u>

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

Name	Relationship	Age
<u>GABRIELLE JOHNSON</u>	<u>DAUGHTER</u>	<u>8</u>
<u>CAPREE JOHNSON</u>	<u>DAUGHTER</u>	<u>7</u>
<u>D'ARSHA JOHNSON</u>	<u>DAUGHTER</u>	<u>5</u>
<u>DEVON JOHNSON</u>	<u>SON</u>	<u>4</u>

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, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>none</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> yes <input type="checkbox"/> no		
Is property insurance included? <input type="checkbox"/> yes <input type="checkbox"/> no		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>N/A</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>N/A</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>N/A</u>	\$ <u>N/A</u>



Transportation (not including motor vehicle payments)

\$ NONE \$ N/A

Recreation, entertainment, newspapers, magazines, etc.

\$ NONE \$ N/A

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renter's

\$ NONE \$ N/A

Life

\$ NONE \$ N/A

Health

\$ NONE \$ N/A

Motor Vehicle

\$ NONE \$ N/A

Other: N/A

\$ NONE \$ N/A

Taxes (not deducted from wages or included in mortgage payments)  
(specify): NONE

\$ NONE \$ N/A

Installment payments

Motor Vehicle

\$ NONE \$ N/A

Credit card(s)

\$ NONE \$ N/A

Department store(s)

\$ NONE \$ N/A

Other: NONE

\$ NONE \$ N/A

Alimony, maintenance, and support paid to others

\$ NONE \$ N/A

Regular expenses for operation of business, profession,  
or farm (attach detailed statement)

\$ NONE \$ N/A

Other (specify): NONE

\$ NONE \$ N/A

Total monthly expenses:

\$ NONE \$ 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 paid -- or will you be paying -- an attorney any money for services in connection with this case, including the completion of this form?  yes  no

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

11. Have you paid -- or will you be paying -- anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

yes  no

If yes, how much? N/A

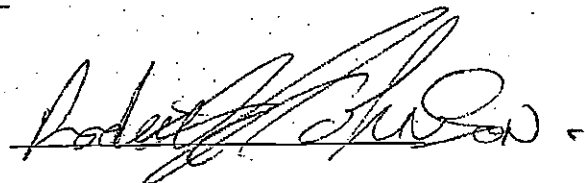
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I AM IN PRISON WITH NO WAY TO PAY FOR ANYTHING, OR ANYONE.

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

Executed on: 3/28/01, 192001



(Signature)