

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

KONSTANTINO X. FOTOPOULOS

PETITIONER

VS.

STATE OF FLORIDA

RESPONDENTS.

MOTION TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

[x] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts: The Circuit Court, in and for the Seventh Judicial Circuit, Volusia County, Florida; The Supreme Court of Florida, the United States Supreme Court, and the United States Circuit Court of Appeals for the Eleventh Circuit. Leave was denied without prejudice by the United States District Court for the Middle District of Florida but counsel was appointed to represent Petitioner in the federal proceedings.

{x}Petitioner's affidavit or declaration is not attached because

the court below appointed counsel in the current proceeding, and, the appointment was made under the following provision of law: Chapter 27, Florida Statutes and order of the Florida Supreme Court. Additionally, Mr. Fotopoulos was appointed counsel under the Criminal Justice Act of 1964, 18 U.S.C. §3006 A and 21 U.S.C §848(q) in the Federal District Court for the Middle Region of Florida and the Eleventh Circuit Court of Appeals.

/s/_JAMES L. DRISCOLL, JR.

JAMES L. DRISCOLL JR

FLORIDA BAR NO. 0078840

LAW OFFICE OF THE CAPITAL COLLATERAL REGIONAL
COUNSEL

12973 N.TELECOM PARKWAY

TEMPLE TERRACE, FLORIDA 33637

PHONE NO. (813)558-1600 EXT 608

FAX NO. (813) 558-1601

ATTORNEY OF RECORD FOR PETITIONER