

No.

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD LLOYD ODOM, Petitioner,

v.

STATE OF TENNESSEE, Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE TENNESSEE SUPREME COURT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Counsel for Petitioner Richard Lloyd Odom respectfully moves for leave, under Rule 39, to file the enclosed petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis* in this Court.

Petitioner is an inmate and in the custody of the Tennessee Department of Correction and under sentence of death. At trial and at subsequent re-sentencing hearings, the Shelby County Criminal Court declared the Petitioner to be indigent. Pursuant to Tennessee Code Annotated § 40-14-202 and Tennessee Supreme Court Rule 13 § 3(b), the trial court appointed counsel to represent Petitioner. Petitioner proceeded *in forma pauperis* throughout his trial and direct appeal in Tennessee state courts.

During post-conviction proceedings, the trial court again declared Petitioner

to be indigent. Undersigned counsel for Mr. Odom was appointed to represent the indigent petitioner by the lower courts pursuant to Tennessee Code Annotated § 40–30–206(a):

It is the primary responsibility of the post-conviction defender to represent, without additional compensation, any person convicted and sentenced to death in this state who is without counsel and who is unable to secure counsel due to indigency or determined by a state court with competent jurisdiction to be indigent, for the purpose of instituting and prosecuting collateral actions challenging the legality of the judgment and sentence imposed against that person in state court, and who the court determines requires the appointment of counsel.

Petitioner has proceeded *in forma pauperis* throughout his post-conviction proceedings and appeals in the Tennessee state courts.

Wherefore, counsel for Petitioner respectfully requests that this Court grant leave to proceed *in forma pauperis* in his Petition for Writ of Certiorari.

Respectfully submitted,



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