

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ALFREDO PEREZ, JR., Petitioner

vs.

THE STATE OF CALIFORNIA, Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF CALIFORNIA

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Elizabeth M. Campbell
Attorney at Law
California State Bar #166960
3104 O Street, PMB 334
Sacramento, CA 95816
(530)786-4108

Counsel of Record for Petitioner
ALFREDO PEREZ, JR.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

TO: THE HONORABLE CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT:

Pursuant to Rule 39 of the Rules of the Supreme Court of the United States, petitioner, Alfredo Perez, respectfully requests leave to file a petition for writ of certiorari in forma pauperis.

To show that petitioner was represented by appointed counsel in the court below, a declaration signed by counsel is appended, explaining the appointment process in the California Supreme Court, along with a copy of the orders appointing Elizabeth Campbell as counsel in the California Supreme Court as well as in the California Court of Appeal, Fifth Appellate District, and a declaration signed by petitioner attesting to his current indigence.

Dated: August 3, 2018

Respectfully submitted,

ELIZABETH M. CAMPBELL
Attorney for Petitioner,
Alfredo Perez, Jr.

EXHIBIT A

DECLARATION OF ELIZABETH CAMPBELL

I am an attorney licensed to practice in California. I am a member of the Bar of this Court. I am the attorney of record for petitioner Alfredo Perez, Jr.

The facts stated in this declaration are within my personal and firsthand knowledge. If called as a witness in this action, I could and would testify competently under oath to the following facts.

On March 7, 2014, the People filed notice of appeal from a trial court order granting petitioner's request for resentencing under the Three Strikes Reform Act, California Penal Code section 1170.126. Pursuant to petitioner's request for counsel, I was appointed to represent him by the California Court of Appeal, Fifth Appellate District. The appointment order is appended to this declaration as Exhibit B.

After the Court of Appeal reversed the order granting petitioner's request for resentencing, I filed a petition for review on his behalf in the California Supreme Court. That petition was granted on January 11, 2017. A copy of the order appointing me to represent him in that court is attached

to this declaration as Exhibit C. I have remained petitioner's counsel of record to this time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3 day of August, 2018, at Sacramento, California.

ELIZABETH M. CAMPBELL

EXHIBIT B

In The
Court of Appeal Of The State Of California
FIFTH APPELLATE DISTRICT

Court of Appeal
Fifth Appellate District
ELECTRONICALLY FILED

People of the State of California
v.
Alfredo Perez

No. F069020
Fresno County
No. CF94509578

10:36 am, Jul 01, 2014
By: JEvans

BY THE COURT:

Upon the request of the respondent for the appointment of an attorney on file herein, IT IS
ORDERED THAT:

Elizabeth Campbell
1215 K Street
17th Floor
Sacramento, CA 95814
916-444-8538
SB# 166960

be appointed to represent respondent on appeal.

Respondent's brief shall be filed within 30 days from the date of filing of the appellant's opening brief.

Counsel is directed to notify this court immediately upon counsel's discovery of the presence in the record of any unredacted personal juror identifying information.

Any opposition to this e-filing order, on grounds that it would cause undue hardship or significant prejudice, must be filed by counsel within 10 days after the date of this order. (Cal. Rules of Court, rule 8.73(a).)

HILL, P.J.

Respondent's Address
Alfredo Perez
843 12th Street
Sanger, CA 93657

CENTRAL CALIFORNIA
APPELLATE PROGRAM
2407 J Street, Suite 301
Sacramento, CA 95816

EXHIBIT C

No. S238354

RECEIVED
FEB 17 2016

IN THE SUPREME COURT OF CALIFORNIA

~~SUPREME COURT~~
~~FILED~~

JAN 31 2017

Jorge Navarrete Clerk

v.

Deputy

ALFREDO PEREZ, JR., Defendant and Appellant.

Upon request of respondent for appointment of counsel, Elizabeth Campbell is hereby appointed to represent respondent on the appeal now pending in this court.

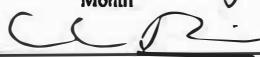
Respondent's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

I, Jorge Navarrete, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

31st day of January 20 17
Month

By


Deputy

CANTIL-SAKAUYE

Chief Justice

EXHIBIT D

No. F069020

IN THE SUPREME COURT OF THE UNITED STATES

ALFREDO PEREZ, JR., Petitioner

v.

PEOPLE OF THE STATE OF CALIFORNIA, Respondent

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

I, Alfredo Perez, Jr., being first duly sworn, depose and say that I am the petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceedings or to give security therefor, and that I believe I am entitled to redress.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true:

1. Are you presently employed? Yes No X

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

4-30-18 (\$ 3,000 ⁰⁰ month)

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source?

NO

3. Do you own any cash or checking or savings account [include any funds in prison accounts]? Yes No X

a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, auto- mobiles, or other valuable property (excluding ordinary household furnishings and clothing)?
Yes No X

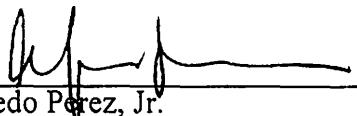
a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

wife

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

14 day of May, 2018.



Alfredo Perez, Jr.