

No. _____

**IN THE SUPREME COURT OF THE UNITED
STATES**

Mike Peter Gallardo, Petitioner,

vs.

State of Arizona, Respondent.

**On Petition for Writ of Certiorari to the
Supreme Court of Arizona**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rule 39 of the Rules of the Supreme Court, Petitioner Mike Peter Gallardo hereby moves for leave to proceed *in forma pauperis* in the above-captioned case on the ground that he lacks sufficient funds to pay for fees and expenses. Mr. Gallardo is a death row prisoner who is incarcerated at the Arizona State Prison Complex in Florence, Arizona.

On December 17, 2014 the Superior Court of Maricopa County, Arizona appointed counsel undersigned as private counsel for Mr. Gallardo upon counsel's retirement from the Office of the Maricopa County Public Defender, where he had represented Mr. Gallardo since 2011 in Post-Conviction Relief proceedings as a Deputy Public Defender. That Order is attached as Appendix A. Mr. Gallardo's

declaration of in support hereof is attached as Appendix B. Accordingly, Mr. Gallardo respectfully requests that he be permitted to proceed *in forma pauperis* in this Court.

Respectfully submitted: August 3, 2018.

GARRETT SIMPSON

Counsel of Record

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s/ Garrett W. Simpson

Garrett W. Simpson

Counsel for Petitioner Gallardo

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**APPENDIX TO MOTION FOR LEAVE TO
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*IN FORMA PAUPERIS***

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Appendix A

Order Withdrawing Deputy Public Defender Garrett W. Simpson as Counsel
and Appointing Garrett W. Simpson, GARRETT SIMPSON PLLC as Post
Conviction Relief Counsel, No. CR2006-175408-001 DT (Maricopa
County (Ariz.) Superior Court, Dec 17, 2014)

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-175408-001 DT

12/17/2014

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT
K. Schermerhorn
Deputy

STATE OF ARIZONA

SUSANNE B. BLOMO

v.

MIKE PETER GALLARDO (001)

GARRETT W SIMPSON
TERRY LYNN LOVETT BUBLIK

CAPITAL CASE MANAGER
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC
VICTIM WITNESS DIV-AG-CCC

MINUTE ENTRY

The Court has received and reviewed the Defendant's Motion to Withdraw as Attorney of Record; and Motion for Appointment as Attorney of Record.

Good cause appearing,

IT IS ORDERED withdrawing Garrett Simpson in his capacity as a Deputy Maricopa County Public Defender from further representation as Defense counsel in this case, and appointing Garrett Simpson in his capacity as a private lawyer as lead counsel. Mr. Simpson shall be compensated by the Office of Public Defense Services at the established contract rate for lead counsel in a Capital Post-Conviction Relief Proceeding.

The Maricopa County Public Defender shall continue to act as co-counsel in the matter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-175408-001 DT

12/17/2014

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Appendix B

Declaration of Petitioner in Support Motion for Leave to
Proceed in Forma Pauperis with Court Appointed Counsel
(July 26, 2018).

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

I, Mike Peter Gallardo, 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>100</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>100</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Total monthly income:	\$ <u>100</u>	\$ <u>N/A</u>	\$ <u>0</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
None			\$
			\$
			\$

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
None			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 0.00
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
		\$	\$
		\$	\$
		\$	\$

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

☐ Home
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
Description _____
Value _____

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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ _____	\$ _____
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)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

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

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? _____

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? _____

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 have been in custody since 2006 and a prisoner on death row in Arizona since 2009. I have no meaningful income or assets. I have been indigent and represented by court-appointed counsel throughout. Garrett Simpson has been my court-appointed attorney since 2011.

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

Executed on: July 26, 2018

Michael V. Hollando
(Signature)