

No. _____

In the Supreme Court of the United States

CHARLES LEE BURTON,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

On Petition for a Writ of Certiorari to the Alabama Supreme Court

MOTION TO PROCEED IN FORMA PAUPERIS

MATT D. SCHULZ

Counsel of Record

SUPREME COURT BAR #306494

ANNE. E. BORELLI

CHRISTINE A. FREEMAN, EXECUTIVE DIRECTOR
FEDERAL DEFENDERS FOR THE MIDDLE

DISTRICT OF ALABAMA

817 S. COURT STREET

MONTGOMERY, ALABAMA 36104

(334) 834-2099

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August 31, 2018

Mr. Burton asks leave to file his Petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. The Federal Defenders for the Middle District of Alabama were appointed to represent Mr. Burton in his initial federal habeas proceedings pursuant to 18 U.S.C. § 3006A. A copy of the order is attached as Attachment A.¹ Additionally, Mr. Burton moved to proceed *in forma pauperis* when he initiated the proceedings underlying this appeal in the circuit court of Talladega, Alabama. The circuit court granted that motion, and Mr. Burton proceeded *in forma pauperis* throughout the remainder of his appeals in the state courts.

Respectfully submitted,



MATT D. SCHULZ,
Counsel of Record
SUPREME COURT BAR #306494
ANNE E. BORELLI
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August 31, 2018

¹ Leslie S. Smith was, and remains, an attorney with the Federal Defender's office. After her appointment to Mr. Burton's case, she later moved to withdraw as counsel due to military deployment. Attachment B. The Court granted her motion to withdraw as a text entry on the docket (*Burton v. Campbell*, No. 4:05-cv-00308 (N.D. Ala.) (Doc. 27)), and undersigned counsel noticed his appearance. Attachment C.

ATTACHMENT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

CHARLES L. BURTON, JR.,)
Petitioner,)
v.) CV 05-S-0308-M
DONAL CAMPBELL, Commissioner, Alabama)
Department of Corrections,)
Respondents.)

O R D E R

This matter is before the court on the motion of petitioner's counsel for appointment pursuant to the Criminal Justice Act. Upon consideration of the motion it is hereby ORDERED that Leslie S. Smith is APPOINTED under the Criminal Justice Act (18 U.S.C. § 3006A) for the purpose of preparing and filing a habeas petition under 28 U.S.C. § 2254 on behalf of the petitioner and to thereafter represent him concerning the same.

The clerk is DIRECTED to serve a copy of this order upon counsel of record.

As to the foregoing it is SO ORDERED this the 15th day of February, 2005.



PAUL W. GREENE
CHIEF MAGISTRATE JUDGE

ATTACHMENT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

CHARLES L. BURTON, JR.,)
Petitioner,)
)
vs.) Case No.: 4:05-cv-00308-CLS-PWG
) DEATH PENALTY CASE
DONAL CAMPBELL, Commissioner,)
Alabama Department of Corrections,)
)
Respondent.)

MOTION TO WITHDRAW AS COUNSEL

Comes now, the undersigned counsel for Petitioner, Leslie S. Smith, to submit her Motion to Withdraw for the reason which follows:

Counsel is an officer in the United States Army Reserve, who has been called to active duty for deployment for 400 days, beginning on February 21, 2008. As such, counsel will be unable to continue representing Petitioner and motions this Court to permit her withdrawal.

For the foregoing reason, undersigned counsel respectfully requests that this Motion be granted.

Respectfully submitted,

/s/ Leslie S. Smith
Leslie S. Smith, ASB-0785-T71L
FEDERAL DEFENDERS
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Fax. (334) 834-0353
Leslie Smith@fd.org

Counsel for Charles L. Burton, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2008, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Beth Jackson Hughes, Esq.
Assistant Attorney General

Pamela L. Casey
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/s/ Leslie S. Smith
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Counsel for Charles L. Burton, Jr.

ATTACHMENT C

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

CHARLES L. BURTON, JR.,)
Petitioner,)
)
vs.) Case No.: 4:05-cv-00308-CLS-PWG
) DEATH PENALTY CASE
DONAL CAMPBELL, Commissioner,)
Alabama Department of Corrections,)
)
Respondent.)

NOTICE OF APPEARANCE

COMES NOW the undersigned counsel, Matt D. Schulz, and enters his appearance on behalf of Petitioner, Charles L. Burton, Jr., in the above-styled case.

Dated this 14th day of August 2008.

Respectfully submitted,

/s/ Matt D. Schulz
MATT D. SCHULZ
Nebraska Bar No.: 22968
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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2008, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will electronically send a copy of the same to each of the following:

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