

No. \_\_\_\_\_

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

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WINSTON RAY WALTERS,

*Petitioner,*

*v.*

THE STATE OF OKLAHOMA,

*Respondent.*

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**MOTION TO PROCEED *IN FORMA PAUPERIS***

Petitioner, Winston Ray Walters, moves this Court for leave to proceed *in forma pauperis* on his Petition for a Writ of Certiorari to the Oklahoma Court of Criminal Appeals pursuant to Rule 39.1. Petitioner is incarcerated currently at the maximum security Oklahoma State Penitentiary, McAlester, Oklahoma, prisoner number 716896, pursuant to a judgment and sentence that is the subject of this Petition.

Petitioner avers that, although he has had family members assist him in prior legal proceedings, he is currently without funds to pay the filing fee in this Court and to have his Petition bound under the Rules of this Court, as set forth in the attached Affidavit Accompanying Motion for Permission to Appeal in Forma Pauperis.

WHEREFORE, because Petitioner is indigent, Petitioner moves this Court for an order allowing Petitioner to proceed *in forma pauperis*.

DATED this 5<sup>th</sup> day of October, 2018.

Respectfully Submitted,



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James L. Hankins, Okla. Bar No. 15506  
TIMBERBROOKE BUSINESS CENTER  
929 N.W. 164<sup>th</sup> St.  
Edmond, Oklahoma 73013  
Telephone: 405.753.4150  
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*COUNSEL FOR PETITIONER*

No. \_\_\_\_\_

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

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WINSTON RAY WALTERS,

*Petitioner,*

*v.*

THE STATE OF OKLAHOMA,

*Respondent.*

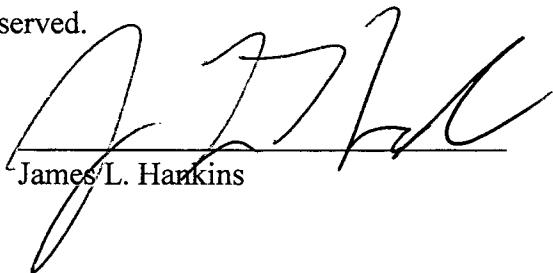
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**CERTIFICATE OF SERVICE**

I, James L. Hankins, certify that I have this 5<sup>th</sup> of October, 2018, served a copy of Petitioner's Motion to Proceed *In Forma Pauperis*, via United States Postal Service, first-class postage pre-paid thereon, to:

Robert Whittaker  
ASSISTANT ATTORNEY GENERAL  
313 N.E. 21<sup>st</sup> St.  
Oklahoma City, OK 73105  
Telephone: 405.521.3921

All parties required to be served have been served.



James L. Hankins

UNITED STATES DISTRICT COURT

for the

< \_\_\_\_\_ > DISTRICT OF < \_\_\_\_\_ >

<Name(s) of plaintiff(s), \_\_\_\_\_ )  
Plaintiff(s) \_\_\_\_\_ )  
v. \_\_\_\_\_ )  
<Name(s) of defendant(s), \_\_\_\_\_ )  
Defendant(s) \_\_\_\_\_ )  
Case No. <Number>

**AFFIDAVIT ACCOMPANYING MOTION  
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

**Affidavit in Support of Motion**

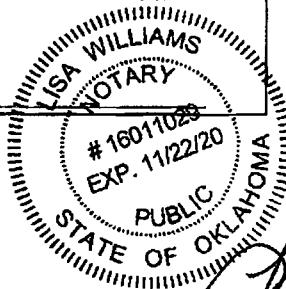
I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Washington Williams

**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 10-2-18



My issues on appeal are:

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   | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Self-employment  | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Income from real property (such as rental income)                    | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Interest and dividends   | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Gifts  | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Alimony  | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Child support  | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Retirement (such as social security, pensions, annuities, insurance) | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Disability (such as social security, insurance payments)             | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Unemployment payments  | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Public-assistance (such as welfare)                                  | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| Other (specify):   | \$ 0   | \$ 0        | \$ 0                       | \$ 0        |
| <b>Total monthly income:</b>   | <b>\$ 0</b>                                      | <b>\$ 0</b> | <b>\$ 0</b>                | <b>\$ 0</b> |

2. List your 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 |
|----------|---------|---------------------|-------------------|
| NA       | NA      | NA                  | \$ 0              |
| NA       | NA      | NA                  | \$ 0              |
| NA       | NA      | NA                  | \$ 0              |

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 |
|----------|---------|---------------------|-------------------|
| NA       | NA      | NA                  | \$ NA             |
| NA       | NA      | NA                  | \$ NA             |
| NA       | NA      | NA                  | \$ NA             |

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

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 |
|-----------------------|-----------------|-----------------|------------------------|
|                       |                 | \$              | \$                     |
|                       |                 | \$              | \$                     |
|                       |                 | \$              | \$                     |

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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

|                     |                             |                            |
|---------------------|-----------------------------|----------------------------|
| Home <u>NA</u>      | Other real estate <u>NA</u> | Motor vehicle #1 <u>NA</u> |
| (Value) \$ <u>0</u> | (Value) \$ <u>0</u>         | (Value) \$ <u>0</u>        |
|                     |                             | Make and year: <u>NA</u>   |
|                     |                             | Model: <u>NA</u>           |
|                     |                             | Registration #: <u>NA</u>  |

|                            |                        |                        |
|----------------------------|------------------------|------------------------|
| Motor vehicle #2 <i>NA</i> | Other assets <i>NA</i> | Other assets <i>NA</i> |
| (Value) \$ <i>0</i>        | (Value) \$ <i>0</i>    | (Value) \$ <i>0</i>    |
| Make and year: <i>NA</i>   | <i>NA</i>              | <i>NA</i>              |
| Model: <i>NA</i>           | <i>NA</i>              | <i>NA</i>              |
| Registration #: <i>NA</i>  | <i>NA</i>              | <i>NA</i>              |

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 |
|---------------------------------------|--------------------|----------------------------|
| <i>NA</i>                             | \$ <i>0</i>        | \$ <i>0</i>                |
| <i>NA</i>                             | \$ <i>0</i>        | \$ <i>0</i>                |
| <i>NA</i>                             | \$ <i>0</i>        | \$ <i>0</i>                |
| <i>NA</i>                             | \$ <i>0</i>        | \$ <i>0</i>                |

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

| Name [or, if under 18, initials only] | Relationship | Age       |
|---------------------------------------|--------------|-----------|
| <i>NA</i>                             | <i>NA</i>    | <i>NA</i> |
| <i>NA</i>                             | <i>NA</i>    | <i>NA</i> |
| <i>NA</i>                             | <i>NA</i>    | <i>NA</i> |

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, semiannually, or annually to show the monthly rate.

|  | You         | Your Spouse |
|--|-------------|-------------|
| Rent or home-mortgage payment (include lot rented for mobile home)                       | \$ <i>0</i> | \$ <i>0</i> |
| 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)                             | \$ 0         | \$ 0         |
| Home maintenance (repairs and upkeep)  | \$ 0         | \$ 0         |
| Food   | \$ 150       | \$ 150       |
| Clothing   | \$ 0         | \$ 0         |
| Laundry and dry-cleaning   | \$ 0         | \$ 0         |
| Medical and dental expenses  | \$           | \$           |
| Transportation (not including motor vehicle payments)  | \$           | \$           |
| Recreation, entertainment, newspapers, magazines, etc.   | \$ 0         | \$ 0         |
| Insurance (not deducted from wages or included in mortgage payments)                           |              |              |
| Homeowner's or renter's:   | \$ 0         | \$ 0         |
| Life:  | \$ 0         | \$ 0         |
| Health:  | \$ 0         | \$ 0         |
| Motor vehicle:   | \$ 0         | \$ 0         |
| Other:   | \$ 0         | \$ 0         |
| Taxes (not deducted from wages or included in mortgage payments) (specify):                    | \$ 0         | \$ 0         |
| Installment payments   |              |              |
| Motor Vehicle:   | \$ 0         | \$ 0         |
| Credit card (name):  | \$ 0         | \$ 0         |
| Department store (name):   | \$ 0         | \$ 0         |
| Other:   | \$ 0         | \$ 0         |
| Alimony, maintenance, and support paid to others   | \$ 0         | \$ 0         |
| Regular expenses for operation of business, profession, or farm<br>(attach detailed statement) | \$ 0         | \$ 0         |
| Other (specify):   | \$ 0         | \$ 0         |
| <b>Total monthly expenses:</b>   | <b>\$150</b> | <b>\$150</b> |

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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?  Yes  No

If yes, how much? \$ 0

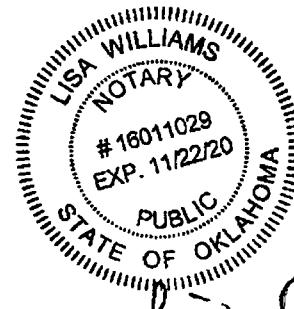
11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

12. State the city and state of your legal residence. McAlester, OK 74502

Your daytime phone number: ( ) \_\_\_\_\_

Your age: 24 Your years of schooling: 12

Last four digits of your social-security number: 8264



*J. H.*  
10-2-18

Date\Time: 10/2/2018 10:37:58 AM

Institution: OSP

## ODOC

## Offender Statement Report

| Offender# | Offender/Group Name | Institution | Unit   | Cell/Bed             |
|-----------|---------------------|-------------|--------|----------------------|
| 0716896   | WALTERS, WINSTON    | OSP         | UNIT E | QUAD 1-CELL 18-BED 2 |

## Transaction List

| Transaction Date | Transaction Type   | Source Document # | Receipt#/Check# | Sender Name      | Amount     | Account Balance |
|------------------|--------------------|-------------------|-----------------|------------------|------------|-----------------|
| 04/01/2018       | BEGINNING BALANCE  |                   |                 |                  |            | \$153.77        |
| 04/03/2018       | JPAY               | 0000000084076941  |                 | REDELK, KATHLEEN | \$100.00   | \$253.77        |
| 04/05/2018       | SALES              | 10                |                 |                  | (\$82.83)  | \$190.94        |
| 04/05/2018       | SALES              | 11                |                 |                  | (\$6.04)   | \$185.90        |
| 04/06/2018       | SALES              | 12                |                 |                  | (\$16.62)  | \$180.38        |
| 04/11/2018       | SALES              | 63                |                 |                  | (\$52.18)  | \$117.20        |
| 04/18/2018       | SALES              | 90                |                 |                  | (\$10.24)  | \$106.96        |
| 04/18/2018       | SALES              | 91                |                 |                  | (\$58.30)  | \$48.66         |
| 04/24/2018       | JPAY               | 0000000084903415  |                 | GEIGER, ASHLEY   | \$200.00   | \$248.66        |
| 04/27/2018       | JPAY               | 0000000085007215  |                 | GEIGER, ASHLEY   | \$100.00   | \$348.66        |
| 04/27/2018       | SALES              | 18                |                 |                  | (\$108.78) | \$239.88        |
| 04/29/2018       | JPAY               | 0000000085102008  |                 | GEIGER, ASHLEY   | \$100.00   | \$339.88        |
| 04/30/2018       | GANG PAY           |                   |                 |                  | \$14.46    | \$354.33        |
| 05/01/2018       | SALES              | 103               |                 |                  | (\$13.40)  | \$340.93        |
| 05/01/2018       | DISBURSEMENT       | CRAFTS/OSP        | 13629367        |                  | (\$183.00) | \$157.93        |
| 05/02/2018       | JPAY               | 0000000085199053  |                 | REDELK, KATHLEEN | \$100.00   | \$267.93        |
| 05/02/2018       | SALES              | 21                |                 |                  | (\$77.27)  | \$180.66        |
| 05/09/2018       | SALES              | 11                |                 |                  | (\$83.65)  | \$97.01         |
| 05/11/2018       | JPAY               | 0000000086594949  |                 | GEIGER, ASHLEY   | \$200.00   | \$297.01        |
| 05/16/2018       | SALES              | 83                |                 |                  | (\$80.30)  | \$236.71        |
| 05/22/2018       | OUTSIDE SOURCE     | 1156269           | 60739           | BLICK ART REFUND | \$4.16     | \$240.87        |
| 05/22/2018       | SALES              | 82                |                 |                  | (\$55.01)  | \$185.86        |
| 05/24/2018       | GROUP TRANSFER OUT | PIZZA             |                 |                  | (\$10.00)  | \$175.86        |
| 05/26/2018       | JPAY               | 0000000086121711  |                 | GEIGER, ASHLEY   | \$300.00   | \$475.86        |
| 05/31/2018       | GANG PAY           |                   |                 |                  | \$14.46    | \$490.31        |
| 06/31/2018       | SALES              | 23                |                 |                  | (\$61.78)  | \$428.53        |
| 08/02/2018       | JPAY               | 0000000088390059  |                 | REDELK, KATHLEEN | \$100.00   | \$528.65        |
| 08/05/2018       | SALES              | 57                |                 |                  | (\$43.47)  | \$485.08        |
| 08/07/2018       | SALES              | 10                |                 |                  | (\$124.84) | \$360.24        |
| 08/18/2018       | SALES              | 87                |                 |                  | (\$8.66)   | \$350.58        |
| 08/18/2018       | SALES              | 88                |                 |                  | (\$65.34)  | \$285.24        |
| 08/21/2018       | GROUP TRANSFER OUT | 716896 FOODBUY    |                 |                  | (\$13.00)  | \$282.24        |
| 08/20/2018       | SALES              | 68                |                 |                  | (\$75.46)  | \$206.78        |
| 08/30/2018       | GANG PAY           |                   |                 |                  | \$14.46    | \$221.23        |
| 07/03/2018       | SALES              | 75                |                 |                  | (\$43.71)  | \$177.52        |
| 07/12/2018       | SALES              | 50                |                 |                  | (\$108.35) | \$68.17         |
| 07/13/2018       | JPAY               | 0000000088017084  |                 | GARCIA, CARMEN   | \$100.00   | \$188.17        |
| 07/18/2018       | JPAY               | 0000000088189987  |                 | REDELK, KATHLEEN | \$20.00    | \$188.17        |
| 07/18/2018       | SALES              | 51                |                 |                  | (\$108.79) | \$79.38         |
| 07/25/2018       | JPAY               | 0000000088488532  |                 | REDELK, KATHLEEN | \$40.00    | \$119.38        |
| 07/25/2018       | SALES              | 81                |                 |                  | (\$57.84)  | \$61.54         |
| 07/27/2018       | JPAY               | 0000000088527203  |                 | REDELK, KATHLEEN | \$40.00    | \$101.54        |
| 07/31/2018       | GANG PAY           |                   |                 |                  | \$14.46    | \$115.99        |
| 08/07/2018       | JPAY               | 0000000089020432  |                 | REDELK, KATHLEEN | \$100.00   | \$215.99        |
| 08/10/2018       | SALES              | 156               |                 |                  | (\$87.30)  | \$128.69        |

Date\Time: 10/2/2018 10:37:58 AM

Institution: OSP

**ODOC**  
**Offender Statement Report**

| Transaction Date | Transaction Type   | Source Document #    | Receipt#/Check# | Sender Name      | Amount     | Account Balance |
|------------------|--------------------|----------------------|-----------------|------------------|------------|-----------------|
| 08/13/2018       | SALES              | 78                   |                 |                  | (\$24.02)  | \$104.87        |
| 08/22/2018       | LEGAL COPAY        | OSP 8/16/18          |                 |                  | (\$7.80)   | \$96.77         |
| 08/24/2018       | SALES              | 27                   |                 |                  | (\$38.65)  | \$60.12         |
| 08/29/2018       | JPAY               | 0000000089876417     |                 | REDELK, KATHLEEN | \$160.00   | \$210.12        |
| 08/30/2018       | SALES              | 109                  |                 |                  | (\$23.87)  | \$186.25        |
| 08/31/2018       | GANG PAY           |                      |                 |                  | \$14.45    | \$200.70        |
| 09/10/2018       | SALES              | 16                   |                 |                  | (\$100.50) | \$100.20        |
| 09/17/2018       | GROUP TRANSFER OUT | 716898 TO<br>OSPF000 |                 |                  | (\$7.25)   | \$92.95         |
| 09/18/2018       | JPAY               | 0000000090708057     |                 | REDELK, KATHLEEN | \$125.00   | \$217.95        |
| 09/20/2018       | SALES              | 19                   |                 |                  | (\$58.90)  | \$159.05        |
| 09/21/2018       | MEDICAL COPAY      |                      |                 |                  | (\$4.00)   | \$155.05        |
| 09/21/2018       | PRESCRIPTION COPAY |                      |                 |                  | (\$4.00)   | \$151.05        |
| 09/28/2018       | LEGAL COPAY        | OSP 9/27/2018        |                 |                  | (\$1.00)   | \$150.05        |
| 09/28/2018       | SALES              | 70                   |                 |                  | (\$86.68)  | \$63.37         |
| 10/01/2018       | GANG PAY           |                      |                 |                  | \$14.45    | \$77.82         |
| 10/02/2018       | JPAY               | 0000000091262080     |                 | REDELK, KATHLEEN | \$125.00   | \$202.82        |

**Summary Balances**

| Available Balance | Savings Balance | Debt Encumbrance | Other Encumbrance | Outstanding Instruments | Administrative Holds | Account Balance |
|-------------------|-----------------|------------------|-------------------|-------------------------|----------------------|-----------------|
| \$137.04          | \$65.78         | \$0.00           | \$0.00            | \$0.00                  | \$0.00               | \$202.82        |