

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WINSTON RAY WALTERS,

Petitioner,

v.

THE STATE OF OKLAHOMA,

Respondent.

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 5th day of October, 2018.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'JL Hankins', written over a horizontal line.

James L. Hankins, Okla. Bar No. 15506
TIMBERBROOKE BUSINESS CENTER
929 N.W. 164th St.
Edmond, Oklahoma 73013
Telephone: 405.753.4150
Facsimile: 405.445.4956
E-mail: jameshankins@ocdw.com

COUNSEL FOR PETITIONER

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WINSTON RAY WALTERS,

Petitioner,

v.

THE STATE OF OKLAHOMA,

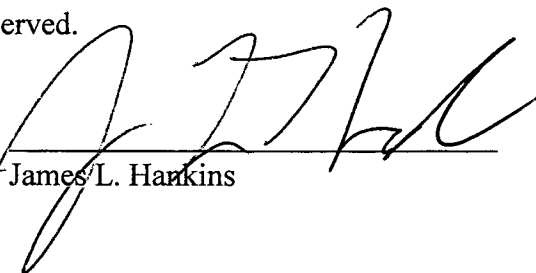
Respondent.

CERTIFICATE OF SERVICE

I, James L. Hankins, certify that I have this 5th 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. 21st 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.)

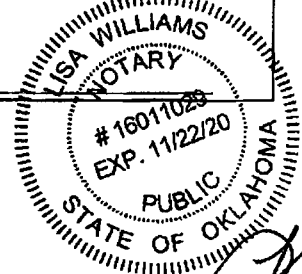
Signed: Lisa Williams

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
Total monthly income:	\$ 0	\$ 0	\$ 0	\$ 0

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 NA	Other real estate NA	Motor vehicle #1 NA
(Value) \$ 0	(Value) \$ 0	(Value) \$ 0
		Make and year: NA
		Model: NA
		Registration #: NA

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.

<i>NA</i>	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 (attach detailed statement)	\$ 0	\$ 0
Other (specify):	\$ 0	\$ 0
Total monthly expenses:	\$150	\$150

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

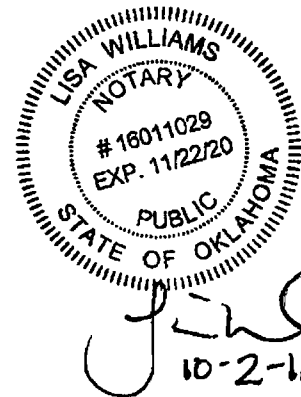
11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

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



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

Institution: OSP

ODOC

Offender Statement Report

Offender#	Offender/Group Name	Institution	Unit	Cell/Bed
0716886	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	000000084076941		REDELK, KATHLEEN	\$100.00	\$253.77
04/05/2018	SALES	10			(\$62.83)	\$190.94
04/05/2018	SALES	11			(\$5.04)	\$185.90
04/05/2018	SALES	12			(\$16.62)	\$169.28
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	000000084903415		GEIGER, ASHLEY	\$200.00	\$248.66
04/27/2018	JPAY	000000085007215		GEIGER, ASHLEY	\$100.00	\$348.66
04/27/2018	SALES	19			(\$108.78)	\$239.88
04/29/2018	JPAY	000000085102008		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	13529367		(\$183.00)	\$157.93
05/02/2018	JPAY	000000085189053		REDELK, KATHLEEN	\$100.00	\$257.93
05/02/2018	SALES	21			(\$77.27)	\$180.66
05/09/2018	SALES	11			(\$83.65)	\$97.01
05/11/2018	JPAY	000000085594949		GEIGER, ASHLEY	\$200.00	\$297.01
05/16/2018	SALES	83			(\$80.30)	\$236.71
05/22/2018	OUTSIDE SOURCE	1156289	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
05/28/2018	JPAY	000000086121711		GEIGER, ASHLEY	\$300.00	\$475.86
05/31/2018	GANG PAY				\$14.45	\$490.31
05/31/2018	SALES	23			(\$81.78)	\$408.55
06/02/2018	JPAY	000000086390089		REDELK, KATHLEEN	\$100.00	\$528.55
06/06/2018	SALES	57			(\$43.47)	\$485.08
06/07/2018	SALES	10			(\$124.84)	\$360.24
06/18/2018	SALES	87			(\$9.66)	\$350.58
06/18/2018	SALES	88			(\$55.34)	\$295.24
06/21/2018	GROUP TRANSFER OUT	716896 FOODBUY			(\$13.00)	\$282.24
06/28/2018	SALES	68			(\$75.46)	\$206.78
06/30/2018	GANG PAY				\$14.45	\$221.23
07/03/2018	SALES	75			(\$43.71)	\$177.52
07/12/2018	SALES	50			(\$108.36)	\$69.17
07/13/2018	JPAY	000000086017064		GARCIA, CARMEN	\$100.00	\$169.17
07/18/2018	JPAY	000000086189987		REDELK, KATHLEEN	\$20.00	\$189.17
07/18/2018	SALES	51			(\$108.79)	\$79.38
07/25/2018	JPAY	000000086488532		REDELK, KATHLEEN	\$40.00	\$119.38
07/25/2018	SALES	81			(\$57.84)	\$61.54
07/27/2018	JPAY	000000086527283		REDELK, KATHLEEN	\$40.00	\$101.54
07/31/2018	GANG PAY				\$14.45	\$115.99
08/07/2018	JPAY	0000000866020432		REDELK, KATHLEEN	\$100.00	\$215.99
08/10/2018	SALES	165			(\$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			(\$7.90)	\$96.77
08/24/2018	SALES	27			(\$38.65)	\$60.12
08/28/2018	JPAY	000000088876417		REDELK, KATHLEEN	\$160.00	\$210.12
08/30/2018	SALES	109			(\$23.87)	\$186.26
08/31/2018	GANG PAY				\$14.45	\$200.70
09/10/2018	SALES	16			(\$100.50)	\$100.20
09/17/2018	GROUP TRANSFER OUT	716888 TO QSPFOOD			(\$7.25)	\$92.95
09/18/2018	JPAY	000000080708057		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			(\$66.68)	\$83.37
10/01/2018	GANG PAY				\$14.45	\$77.82
10/02/2018	JPAY	0000000891282080		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