

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

IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM 2018

RICHARD D. WATERSON, II,  
Petitioner,

vs.

MOTION TO PROCEED  
*IN FORMA PAUPERIS*

THE UNITED STATES OF AMERICA,  
Respondent

\_\_\_\_\_ /

Petitioner Richard D. Waterson, II, through his CJA appellate counsel and pursuant to Rule 39 of the Supreme Court Rules moves this Court for leave to proceed with the present petition *in forma pauperis*, and states:

Petitioner Waterson comes to this Court having been convicted of three counts of child pornography-related offenses. He was sentence to 480 months in prison.

This Petition arises from a final decision of the United States Eleventh Circuit Court of Appeals entered on September 12, 2018, upholding the sentence to 480 months' incarceration. There was no petition for rehearing filed in the Eleventh Circuit.

There are two very sound reasons presented in support of granting the writ: Reason I, argues that the sentence imposed, 480 months in prison, is procedurally

unreasonable because the risk of recidivism decreases substantially as the defendant ages, and it far exceeds what a necessary sentence that meets all goals for sentencing, in violation of the notions of fairness, justice, and reasonableness.

Reason II argues that the sentence imposed, 480 months in prison, is procedurally unreasonable because the district court improperly double-counted the Petitioner's prior conduct when it ordered two separate five-point sentencing enhancements, all in violation of the notions of fairness, justice, and reasonableness in sentencing.

The Petition asks this Court to exercise its supervisory jurisdiction over the United States Courts and to correct the unreasonable sentence that was imposed in this case.

Mr. Waterson was found to be indigent in the United States District Court, Northern District of Florida. He has proceeded with court-appointed counsel from the outset of these proceedings in the district court and throughout his appeal. His financial status has not improved during his incarceration. Accordingly Richard D. Waterson, II, respectfully requests that he be permitted to proceed with this petition in this Court *in forma pauperis* in light of his continuing indigence and his proceeding through CJA counsel on appeal.

Wherefore, Petitioner respectfully prays that this Honorable Court will grant him leave to proceed on petition for writ of certiorari *in forma pauperis*, waive the filing fee, waive the requirement for 40 printed copies of the petition, and accept eleven copies of the petition in typewritten form, that will be submitted together with this motion.

Respectfully submitted,

/s/ *Sheryl J. Lowenthal*

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Dated: November 8, 2018