

No. 18- , 18A389

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2018

KEITH THARPE,

Petitioner,

-v-

BENJAMIN FORD, Warden,
Georgia Diagnostic Prison,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, KEITH THARPE, by and through his undersigned counsel, asks leave to file the attached Petition for Writ of Certiorari to the Eleventh Circuit Court of Appeals without prepayment of fees and costs, and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court.

Petitioner's Affidavit in support of this motion is attached hereto as Exhibit A.

This 21st day of November, 2017.



BRIAN S. KAMMER
MARCIA A. WIDDER
Georgia Resource Center
303 Elizabeth Street, NE
Atlanta, Georgia 30307
(404) 222-9202

COUNSEL FOR MR. THARPE

EXHIBIT A

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

I, KEITH THARPE, 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	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Gifts		\$ <u>175.20</u>	\$ _____	\$ <u>175.20</u>	\$ _____
Alimony	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify):	N/A	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:		\$ <u>175.20</u>	\$ _____	\$ <u>175.20</u>	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.) N/A

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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.) N/A

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ _____ N/A
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. N/A

☐ 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. N/A

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. N/A

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)	N/A	\$ _____	\$ _____
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)	N/A	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	N/A	\$ _____	\$ _____
Food	N/A	\$ _____	\$ _____
Clothing	N/A	\$ _____	\$ _____
Laundry and dry-cleaning	N/A	\$ _____	\$ _____
Medical and dental expenses		\$ 5.00/per sick call	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments) N/A	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc. N/A	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments) N/A		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments) N/A		
(specify): _____	\$ _____	\$ _____
Installment payments N/A		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others N/A	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement) N/A	\$ _____	\$ _____
Other (specify): <u>STORE SNACKS</u>	\$ <u>175.200</u>	\$ _____
Total monthly expenses:	\$ <u>175.200</u>	\$ _____

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 AM A PRISONER UNDER DEATH SENTENCE

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

Executed on: _____ November 15, 2018

Kathleen Lange
(Signature)

THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE

CERTIFICATION

I hereby certify that the Plaintiff herein, Keith Tharpe 173325,
has a current balance of \$ 90.64 on account at the GEORGIA DIAGNOSTIC & CLASSIFICATION PRISON the institution where confined.

I further certify that Plaintiff likewise has the following securities according to the records of
said institution NA

Sarah Barber
Authorized Officer of the Institution

11/15/18
Date

NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months or the period of incarceration (whichever is less)

GDC ID: 173325

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$90.64	\$10.00	\$0.00	\$100.64	\$0.00

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
11/09/2018	18754783	JPAY DEPOSIT RECEIPT	JPAY - HANUSZ, JOHN - 92902597	\$100.00
10/19/2018	18680665	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 92012774	\$100.00
10/01/2018	18614410	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 91202525	\$100.00
09/12/2018	18554064	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 90486019	\$119.00
07/29/2018	18391697	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 88607121	\$250.00
06/23/2018	18266486	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 87217210	\$250.00
06/15/2018	18238429	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 86929702	\$25.25
05/20/2018	18145723	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 85934977	\$250.00
05/02/2018	18081996	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 85224680	\$100.00
04/11/2018	18006335	JPAY DEPOSIT RECEIPT	JPAY - HANUSZ, JOHN - 84437738	\$50.00
04/05/2018	17984856	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 84203349	\$200.00
03/21/2018	17929437	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 83565998	\$100.00
03/11/2018	17892470	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 83173925	\$100.00
02/21/2018	17819869	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 82314676	\$100.00
02/08/2018	17775707	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 81842022	\$100.00
01/23/2018	17718426	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 81180376	\$100.00
01/11/2018	17678011	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 80779510	\$100.00
12/29/2017	17634002	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 80271956	\$100.00
12/16/2017	17593392	JPAY DEPOSIT RECEIPT	JPAY - HANUSZ, JOHN - 79785151	\$45.00
12/13/2017	17584050	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 79660009	\$25.25
12/07/2017	17563159	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 79423868	\$50.00
11/25/2017	17519326	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 78960355	\$50.00
11/18/2017	17496209	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 78696298	\$50.00
11/07/2017	17460330	JPAY DEPOSIT RECEIPT	JPAY - HANUSZ, JOHN - 78295402	\$50.00
10/27/2017	17419966	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 77860234	\$50.00
10/27/2017	17419569	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 77850470	\$50.75
10/20/2017	17396218	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 77613839	\$50.00
10/15/2017	17378611	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 77466992	\$25.00
09/28/2017	17318152	JPAY DEPOSIT RECEIPT	JPAY - HANUSZ, JOHN - 76815920	\$50.00
09/10/2017	17260415	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 76236181	\$50.00
08/27/2017	17212403	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 75735069	\$50.00
07/14/2017	17061431	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 74246475	\$200.00
06/13/2017	16955317	JPAY DEPOSIT RECEIPT	JPAY - POPE, AUDREY - 73184841	\$25.00

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
04/10/2009	6119628	BANK OF AMERICA RECEIPT	BOA-12561522 - 250417	\$49.25
04/07/2009	6106711	BANK OF AMERICA RECEIPT	BOA-97870546 - 241883	\$99.25
03/20/2009	6043490	BANK OF AMERICA RECEIPT	BOA-39471793 - 206336	\$54.25
03/19/2009	6041313	BANK OF AMERICA RECEIPT	BOA-12559788 - 205516	\$36.00
03/10/2009	5999648	JPAY DEPOSIT RECEIPT	JPAY - DE LELLIS, FRANCESCO - 4769417	\$20.00
03/07/2009	5990351	BANK OF AMERICA RECEIPT	BOA-97870438 - 171182	\$99.25
02/06/2009	5885967	BANK OF AMERICA RECEIPT	BOA-12558113 - 104895	\$36.00
02/03/2009	5869738	BANK OF AMERICA RECEIPT	BOA-97870348 - 93706	\$99.25
01/15/2009	5805721	BANK OF AMERICA RECEIPT	BOA-23075661 - 14933	\$99.25
01/08/2009	5729666	CONSOLIDATE BANKING CONVERSION	GA DIAG CLASS PRISON - 44989	\$119.99
01/08/2009	5729665	CONSOLIDATE BANKING CONVERSION	GA DIAG CLASS PRISON - 44989	\$10.00

WITHDRAWALS

Date	Request Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
11/14/2018		CENTRAL ACCT- OFFENDER TRUST	WITHDRAWAL FOR PHONE CREDITS	GA DIAG CLASS PRISON	TELEPHONE MINUTES PURCHASE	\$40.00	
11/14/2018		CENTRAL ACCT- OFFENDER TRUST	STORE PURCHASE	GA DIAG CLASS PRISON	STORE PURCHASE	\$12.27	
11/06/2018		CENTRAL ACCT- OFFENDER TRUST	WITHDRAWAL FOR JPAY KIOSK	JPAY CORPORATION	KIOSK PURCHASE @ GA DIAG CLASS PRISON - JPAY JPAY DOLLAR PURCHASE	\$7.00	170449
11/05/2018		CENTRAL ACCT- OFFENDER TRUST	WITHDRAWAL FOR PHONE CREDITS	GA DIAG CLASS PRISON	TELEPHONE MINUTES PURCHASE	\$10.00	
11/05/2018		CENTRAL ACCT- OFFENDER TRUST	STORE PURCHASE	GA DIAG CLASS PRISON	STORE PURCHASE	\$31.01	
11/01/2018		CENTRAL ACCT- OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 11/2018	\$1.00	170148
10/29/2018		CENTRAL ACCT- OFFENDER TRUST	WITHDRAWAL FOR PHONE CREDITS	GA DIAG CLASS PRISON	TELEPHONE MINUTES PURCHASE	\$20.00	
10/23/2018		CENTRAL ACCT- OFFENDER TRUST	WITHDRAWAL FOR PHONE CREDITS	GA DIAG CLASS PRISON	TELEPHONE MINUTES PURCHASE	\$10.00	
10/23/2018		CENTRAL ACCT- OFFENDER TRUST	STORE PURCHASE	GA DIAG CLASS PRISON	STORE PURCHASE	\$30.76	BOA ACH- 2010000116
10/17/2018		CENTRAL ACCT- OFFENDER TRUST	WITHDRAWAL FOR JPAY KIOSK	JPAY CORPORATION	KIOSK PURCHASE @ GA DIAG CLASS PRISON - JPAY JPAY DOLLAR PURCHASE	\$7.00	169798

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BENJAMIN FORD, Warden,
Georgia Diagnostic Prison,

Respondent.

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing document this day by electronic transmission and/or U.S. Mail, on counsel for Respondent at the following address:

Sabrina Graham, Esq.
Senior Assistant Attorney General
sgraham@law.ga.gov
132 State Judicial Building
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

This 21st day of November, 2018.



Attorney