

\*\*\* CAPITAL CASE \*\*\*

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

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In the Supreme Court of the United States

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FLOYD DANIEL SMITH,

*Petitioner,*

v.

STATE OF CALIFORNIA,

*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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Petitioner, Floyd Daniel Smith, asks leave to file the accompanying petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner has been granted permission to so proceed on the appeal of his judgment of death to the California Supreme Court, which on December 26, 2001, appointed the State Public Defender under California Penal Code sections 1239 and 1240 to represent petitioner in his automatic appeal.

A copy of the California Supreme Court's December 26, 2001, order is attached hereto.

Dated: December 14, 2018      Respectfully submitted,

MARY K. McCOMB  
California State Public Defender

**/s/ Elias Batchelder**

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Elias Batchelder  
Senior Deputy State Public Defender  
*Counsel of Record*

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Counsel for Petitioner  
Floyd Daniel Smith

## **APPENDIX**

### **Order Appointing the Office of the State Public Defender as Appellate Counsel**

**December 26, 2001**

SUPREME COURT  
FILED

DEC 26 2001

No. S065233

Frederick K. Ohlrich Clerk

DEPUTY

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE, Respondent,

v.

FLOYD DANIEL SMITH, Appellant.

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Floyd Daniel Smith for the direct appeal in the above automatic appeal now pending in this court.

I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this  
26th day of Dec. 2001  
By: M. Smith  
Clerk  
Deputy

GEORGE  
Chief Justice