

DEC 11 2017

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2017

ORIGINAL

RUBEN GEOVANNI HERNANDEZ,
Petitioner

Vs.

THE STATE OF TEXAS,
Respondent

NO. 18-7124


MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS

TO THE HONORABLE JUSTICES OF THE SUPREME COURT:

Petitioner Ruben Geovanni Hernandez moves requests leave to file his attached petition for a writ of certiorari In Forma Pauperis. This motion is supported by the indigency declaration of Petitioner. Petitioner was permitted to take his state direct appeal with appointed counsel on appeal. Petitioner had appointed counsel for his defense at his state trial. Petitioner's attached petition pleads good faith grounds which are submitted in good faith.

Wherefore, Petitioner prays that this motion be Granted.

Respectfully submitted,


RUBEN GEOVANNI HERNANDEZ
TDCJ-CID No. 2065208
Telford Unit
3899 State Hwy98
New Boston, Texas 75570

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

I, Ruben Hernandez, 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	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Self-employment	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Gifts	\$ <u>100.</u>	\$ <u>N.A.</u>	\$ <u>100.</u>	\$ <u>N.A.</u>
Alimony	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Child Support	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N.A.</u>	\$ <u>0</u>	\$ <u>N.A.</u>
Total monthly income:	\$ <u>100.</u>	\$ <u>N.A.</u>	\$ <u>100.</u>	\$ <u>N.A.</u>

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

Employer	Address	Dates of Employment	Gross monthly pay
NONE	N.A.	N.A.	\$ N.A.
			\$
			\$

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
N.A.	N.A.	N.A.	\$ N.A.
			\$
			\$

4. How much cash do you ~~and your spouse~~ have? \$ 40.

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
IN MATE TRUST ACCOUNT	\$ 40.	\$ N.A.
	\$	\$
	\$	\$

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

☐ Home
Value NONE

☐ Other real estate
Value NONE

☐ Motor Vehicle #1
Year, make & model NONE
Value

☐ Motor Vehicle #2
Year, make & model NONE
Value

☐ Other assets
Description NONE
Value

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
<u>NONE</u>	\$ <u>N.A.</u>	\$ <u>N.A.</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>Geovanny Hernandez</u>	<u>SON</u>	<u>8</u>
<u>Ruben H. Hernandez</u>	<u>SON</u>	<u>3</u>
_____	_____	_____

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)	\$ <u>NONE</u>	\$ <u>N.A.</u>
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)	\$ <u>NONE</u>	\$ <u>N.A.</u>
Home maintenance (repairs and upkeep)	\$ <u>NONE</u>	\$ <u>N.A.</u>
Food	\$ <u>20.</u>	\$ <u>N.A.</u>
Clothing	\$ <u>NONE</u>	\$ <u>N.A.</u>
Laundry and dry-cleaning	\$ <u>NONE</u>	\$ <u>N.A.</u>
Medical and dental expenses	\$ <u>NONE</u>	\$ <u>N.A.</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>NONE</u>	\$ <u>N.A.</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>NONE</u>	\$ <u>N.A.</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>NONE</u>	\$ <u>N.A.</u>
Life	\$ <u>NONE</u>	\$ <u>N.A.</u>
Health	\$ <u>NONE</u>	\$ <u>N.A.</u>
Motor Vehicle	\$ <u>NONE</u>	\$ <u>N.A.</u>
Other: _____	\$ <u>NONE</u>	\$ <u>N.A.</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>NONE</u>	\$ <u>N.A.</u>
Installment payments		
Motor Vehicle	\$ <u>NONE</u>	\$ <u>N.A.</u>
Credit card(s)	\$ <u>NONE</u>	\$ <u>N.A.</u>
Department store(s)	\$ <u>NONE</u>	\$ <u>N.A.</u>
Other: _____	\$ <u>NONE</u>	\$ <u>N.A.</u>
Alimony, maintenance, and <u>support</u> paid to others	\$ <u>50.</u>	\$ <u>N.A.</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>NONE</u>	\$ <u>N.A.</u>
Other (specify): _____	\$ <u>NONE</u>	\$ <u>N.A.</u>
Total monthly expenses:	\$ <u>70.</u>	\$ <u>N.A.</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 IMPRISONED. THE PRISON SYSTEM DOES NOT PAY WAGES TO INMATES.

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

Executed on: JUNE 13, 2018

Reuben Hernandez
(Signature)