

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FRANCISCO SALAZAR
Petitioner

v.

THE STATE OF TEXAS
Respondent

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

TO THE HONORABLE JUSTICES OF THE SUPREME COURT:

Mr. Brown moves this Court to permit him to proceed *in forma pauperis* pursuant to SUPREME COURT RULE 39. In support of this motion, Mr. Brown would show the following:

- 1) Mr. Salazar was found to be indigent by the 9th Judicial District Court of Montgomery County, Texas and Stephen Simonsen was appointed to represent him in the trial court. Exhibit 1.¹
- 2) Celeste Blackburn was appointed to represent Mr. Salazar to investigate a post-conviction writ of habeas corpus regarding his right to appeal. Exhibit 2.
- 3) The trial court ordered a Free Reporter's Record on Appeal. Exhibit 3.
- 4) The trial court ordered a Free Clerk's Record on Appeal. Exhibit 4.

¹ The court order is under a different cause number because the case was re-indicted. However, Mr. Simonsen represented Mr. Salazar under the new indictment as well, even though a court order was not entered under the new case number.

- 5) Mr. Salazar's family retained his current attorney to represent him.. Mr. Salazar was unable to pay for attorney's fees.
- 6) Mr. Salazar has completed a Declaration in Support of Motion for Leave to Proceed *in Forma Pauperis*. Exhibit 5.

WHEREFORE, Mr. Salazar prays that this Court permit him to proceed *in forma pauperis*.

Respectfully submitted,



BRITTANY CARROLL LACAYO
LACAYO LAW FIRM, PLLC
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212 STRATFORD ST.
HOUSTON, TEXAS 77006
PHONE: (713) 504-0506
FAX: (832) 442-5033
BRITTANY@BCLLAWFIRM.COM

Exhibit 1

Trial Court Order for Appointed Counsel

CAUSE #: 10-02-01780-CR
10-02-01780-CR
10-02-01780-CR
10-02-01780-CR

FDA #: 40590

STATE OF TEXAS

VS.

SALAZAR, FRANCISCO

PIN: 206935

& IN THE 9th DISTRICT COURT

&

& OF

&

& MONTGOMERY COUNTY, TEXAS

Address: 29610 MIDLAND ST MAGNOLIA, TX 77354

Phone: 832-257-6097

Offense/Degree:	INDECENCY	W/CHILD	SEXUAL	F2
	INDECENCY	W/CHILD	SEXUAL	F2
	INDECENCY	W/CHILD	SEXUAL	F2
	SEXUAL ASSAULT CHILD		F2	

Court Setting: Contact District Attorney or Court Immediately.

ORDER APPOINTING/DENYING ATTORNEY

I hereby APPOINT SIMONSEN,STEPHEN to represent the defendant in the above numbered and entitled cause in all litigation in the trial court through and including a ruling on a Motion for New Trial, and filing a notice of appeal, if appropriate, unless released by written order of this Court at an earlier date or by the Court's appointment of appellate counsel.

Attorney appointed out of rotation because he/she was previously appointed to represent the defendant.

I hereby DENY appointment of counsel.

Signed this 3rd day of JUNE, 2010.



Judge, 9th DISTRICT COURT or Appointment Designee

CC: SIMONSEN,STEPHEN Phone 936/780-3299

Exhibit 2

Trial Court Order for Appointed Counsel

ORDER OF ATTORNEY APPOINTMENT

RECEIVED & FILED FOR RECORD
BARBARA GLADDEH ADAMICK DISTRICT
CLERK, MONTGOMERY COUNTY, TEXAS

Cause No 11-05-05000-CR
Complaint No ARREAL

Sheriff No 208888
Defendant No 4482
Appeal

2016 APR 13 PM 3:39

Spalding
S. Spalding
DEPUTY

Offense/Degree:

7353-INDECENCY W/CHILD SEXUAL CONTACT/ F2-Second Degree Felony

STATE OF TEXAS
VS
FRANCISCO SALAZAR

& 9th District Court
& OF
& MONTGOMERY COUNTY, TEXAS

Defendant

Name FRANCISCO SALAZAR
Date of Birth 08/27/1971
Phone
Cell Phone
Address 29810 MIDLAND ST
City, State, Zip MAGNOLIA, TX 77354

**Appointed Attorney**

Name CELESTE BLACKBURN
Phone 936-703-6000
Fax 877-800-2822
Address 393 NORTH RIVERSHIRE DRIVE, SUITE 285
City, State, Zip Conroe, TX 77304

The above attorney is appointed to represent the defendant in the above numbered and entitled cause/complaint/case in all litigation in the trial court through and including a ruling on a Motion for New Trial, and filing a notice of appeal, if appropriate, unless released by written order of this Court at an earlier date or by the Court's appointment of appellate counsel.

<input type="checkbox"/>	Attorney appointed from the County Approved Attorney Wheel and is the next attorney qualified to represent the defendant.
<input type="checkbox"/>	Attorney appointed out of rotation because of written notification from Judge.
<input checked="" type="checkbox"/>	Attorney is currently representing the defendant in a related matter and is appointed under Montgomery County's Approved Policy.

Court Appointed Designee

BERENICE JUAN

Date

04/12/2016

Time

14:55:57

SCANNED

Exhibit 3

Trial Court Order for Free Reporter's Record on Appeal

RECEIVED AND FILED
FOR RECORD
AL 29 O'Clock P. M.

NO. 11-05-05000

JUL 29 2013

STATE OF TEXAS

vs.

FRANCISCO SALAZAR

§ IN THE DISTRICT COURT OF BARBARA GLADDEEN ADAMICK
§ MONTGOMERY COUNTY, TEXAS District Clerk
§ 9TH JUDICIAL DISTRICT BY ~~ALICE M. COOPER~~ Deputy
§ MONTGOMERY COUNTY, TEXAS

ORDER

On 7/18, 2014, came on to be considered Francisco Salazar's Motion for Free
Reporter's Record on Appeal, and said motion is hereby

(Granted) (Denied) 

Judge
JUDGE PRESIDING

Exhibit 4

Trial Court Order for Free Clerk's Record on Appeal

NO. 11-05-05000-CR
(Counts I, II, and III)

STATE OF TEXAS § IN THE DISTRICT COURT
§
vs. § 9TH JUDICIAL DISTRICT
§
FRANCISCO SALAZAR § MONTGOMERY COUNTY,
§ TEXAS

ORDER

On this day came to be heard the Defendant's Motion for Court to Order a Free Clerk's Record for Appeal, and the same is hereby GRANTED ~~NOT DENIED~~.

IT IS FURTHER ORDERED that the Montgomery County District Clerk's Office prepare the clerk's record at the expense of Montgomery County.

SIGNED AND ENTERED this _____ day of _____, 2017.

Signed: 5/9/2017 03:47 PM



JUDGE PRESIDING

Exhibit 5

Declaration in Support of Motion for Leave to Proceed *in Forma Pauperis*

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

I, Francisco Salazar, 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>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Self-employment	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Gifts	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Alimony	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Child Support	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>None</u>	\$ <u>N/A</u>	\$ <u>None</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
N/A	N/A	N/A	\$ N/A
N/A	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
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ None
 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
None	N/A	\$ N/A	\$ N/A
None	N/A	\$ N/A	\$ N/A
None	N/A	\$ N/A	\$ 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 N/A
 Value _____

Other real estate
 Value _____

Motor Vehicle #1 N/A
 Year, make & model _____
 Value _____

Motor Vehicle #2 N/A
 Year, make & model _____
 Value _____

Other assets N/A
 Description _____
 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
None	\$ None	\$ None
None	\$ None	\$ None
None	\$ None	\$ None

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
None	N/A	N/A
None	N/A	N/A
None	N/A	N/A

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)	\$ None	\$ 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)	\$ None	\$ N/A
Home maintenance (repairs and upkeep)	\$ None	\$ N/A
Food	\$ None	\$ N/A
Clothing	\$ None	\$ N/A
Laundry and dry-cleaning	\$ None	\$ N/A
Medical and dental expenses	\$ None	\$ N/A

	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 support paid to others	\$ <u>None</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>None</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? N/A

If yes, state the attorney's name, address, and telephone number:
My family hired an attorney on my behalf. I did not pay my attorney.

Attorney's Information:

Brittany Carroll Lacayo
212 Stratford St., Houston, TX 77006
713-504-0506

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:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am currently incarcerated in the Texas Department of Criminal Justice, Polunsky Unit TDCJ # 00852112.

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

correct. Executed on: Oct 23, 2018



(Signature)