

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 was 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,

A handwritten signature in black ink, appearing to read 'B. Lacayo', is written over a horizontal line.

BRITTANY CARROLL LACAYO
LACAYO LAW FIRM, PLLC
TBN: 24067105
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 #: 10-02-01760-CR
10-02-01780-CR
10-02-01780-CR
10-02-01780-CR

FDA #: 40590

STATE OF TEXAS

& IN THE 9th DISTRICT COURT

&

VS.

& OF

&

& MONTGOMERY COUNTY, TEXAS

SALAZAR, FRANCISCO

PIN: 206935

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

 X 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 936/760-3299

Exhibit 2

Trial Court Order for Appointed Counsel

ORDER OF ATTORNEY APPOINTMENT

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

Cause No 11-05-08000-CR

Sheriff No

208998

2016 APR 13 PM 3:39

Complaint No

ARREAL

Defendant No

4482

Appeal

BY *[Signature]*
DEPUTY

Offense/Degree:

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

STATE OF TEXAS	&	9th District Court
VS	&	OF
FRANCISCO SALAZAR	&	MONTGOMERY COUNTY, TEXAS

Defendant

Name FRANCISCO SALAZAR

Date of Birth 05/27/1971

Phone

Cell Phone

Address 28810 MIDLAND ST

City, State, Zip MAGNOLIA, TX 77354

**Appointed Attorney**

Name CELESTE BLACKBURN

Phone 936-703-8000

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

Date

Time

BERENICE JUAN

04/12/2016

14:55:57

SCANNED

Exhibit 3

Trial Court Order for Free Reporter's Record on Appeal

RECEIVED AND FILED
FOR RECORD
At 2:57 O'Clock 9 M.

NO. 11-05-05000

JUL 29 2013

STATE OF TEXAS

vs.

FRANCISCO SALAZAR

§ IN THE DISTRICT COURT
§
§ 9TH JUDICIAL DISTRICT
§
§ MONTGOMERY COUNTY, TEXAS
By BABARA GLADDEN ADAMICK District Clerk
0 Deputy

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 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.	§	9 TH 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 ~~/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: 5/8/2017 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
Value N/A

☐ Other real estate
Value N/A

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

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

☐ Other assets
Description N/A
Value N/A

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)