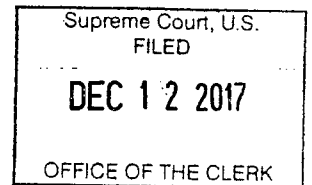


18-7382

IN THE

SUPREME COURT OF THE UNITED STATES



ORIGINAL

JERVON L. HERBIN, PETITIONER

VS.

THE COMMONWEALTH OF VIRGINIA, RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks leave to file the attached petition for a writ of certiorari

Without prepayment of costs and to proceed *in forma pauperis*

☒ Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

☐ Petitioner has not previously been granted leave to proceed in forma pauperis in any other court(s):

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law:

_____, or

☐ a copy of the order of appointment is appended.

Signature Jervon L. Herbin

Jervon L. Herbin

Rt Call 350432
County of Buckingham
State of Virginia

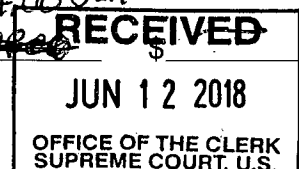


**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Jeavon L. Herbin, 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 | \$54.00 | \$ — | \$54.00 | \$ — |
| Self-employment | \$00.00 | \$ — | \$00.00 | \$ — |
| Income from real property (such as rental income) | \$00.00 | \$ — | \$00.00 | \$ — |
| Interest and dividends | \$00.00 | \$ — | \$00.00 | \$ — |
| Gifts | \$50.00 | \$ — | \$00.00 | \$ — |
| Alimony | \$00.00 | \$ — | \$00.00 | \$ — |
| Child Support | \$00.00 | \$ — | \$00.00 | \$ — |
| Retirement (such as social security, pensions, annuities, insurance) | \$00.00 | \$ — | \$00.00 | \$ — |
| Disability (such as social security, insurance payments) | \$00.00 | \$ — | \$00.00 | \$ — |
| Unemployment payments | \$00.00 | \$ — | \$00.00 | \$ — |
| Public-assistance (such as welfare) | \$00.00 | \$ — | \$00.00 | \$ — |
| Other (specify): _____ | \$00.00 | \$ — | \$00.00 | \$ — |
| Total monthly income: | \$104.00 | \$ — | \$104.00 | \$ — |



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 |
|------------------|----------------------|---------------------|-------------------|
| Van. Dept. CORR. | BKCC P.O. Box 430 | 2016 to present | \$ 54.00 |
| Van. Dept. CORR. | Dillwyn, VA 23936 | | \$ |
| | | | \$ |

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 | | | \$ |

4. How much cash do you and your spouse have? \$ _____
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 |
|---|-----------------|------------------------|
| Savings | \$ 25.00 | \$ 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 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 |
|---------------------------------------|--------------------|----------------------------|
| None | \$ _____ | \$ N/A |
| None | \$ _____ | \$ N/A |
| None | \$ _____ | \$ N/A |

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 |
|------|--------------|-------|
| None | _____ | _____ |
| None | _____ | _____ |
| None | _____ | _____ |

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) | \$ 00.00 | \$ 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) | \$ 00.00 | \$ N/A |
| Home maintenance (repairs and upkeep) | \$ 00.00 | \$ N/A |
| Food | \$ 00.00 | \$ N/A |
| Clothing | \$ 00.00 | \$ N/A |
| Laundry and dry-cleaning | \$ 00.00 | \$ N/A |
| Medical and dental expenses | \$ 00.00 | \$ N/A |

| | You | Your spouse |
|---|-----------------|---------------|
| Transportation (not including motor vehicle payments) | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Life | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Health | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Motor Vehicle | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Other: _____ | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Installment payments | | |
| Motor Vehicle | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Credit card(s) | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Department store(s) | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Other: _____ | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Alimony, maintenance, and support paid to others | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Other (specify): _____ | \$ <u>00.00</u> | \$ <u>N/A</u> |
| Total monthly expenses: | \$ <u>00.00</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.

my poverty.

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

Executed on: 4 June, 2018

Jermon L. Herbin
(Signature)

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

I, Jervon L. Herbin, 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 thereof; and I believe I am entitled to redress. I am presently incarcerated under the authority of the Virginia Department of Corrections housed at Buckingham Correctional Center in Dillwyn Virginia where I am employed as a utility worker. My average monthly pay is \$54.00 for the months of the year that are deemed four week pay periods. There are about 8 months that are listed as four week pay periods. The other four months are deemed five week pay periods, during five week pay periods I earn approximately \$67.50 per month. My earnings are reduced four months a year due to quarterly lockdown, which usually last about one week minimum to ten days maximum. In addition I receive money in the form of gifts from family members which on average amounts to about \$50.00 per month. I am not espoused. Nor do I own any stocks, bonds, land, vehicles, jewelry. I am not self employed, nor do receive any alimony, child support, retirement monies such as social security, pensions insurance payments,

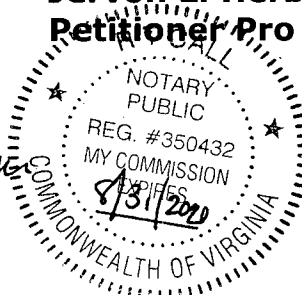
unemployment, public assistance, welfare, annuities, I do not own any property or real estate or rental properties. Nor does any person, business or organization owe me any monies. My monthly expenses go to purchase of postage, hygiene items and other commissary items, phone minutes, and email stamps. No one is dependent on me for any form of support, nor do I pay any utilities, I do pay court cost to the Loudoun County Circuit Court in the amount of five percent of my monthly earnings... I do not expect any major changes in my monthly income during the next 12 months. I do not have any attorney fees, nor have I paid an attorney in connection with this case including the completion this petition. I have not nor will not be paying anyone any money in connection with this case. I am unable to pay the cost associated with this case because of my poverty. I am a pro se prisoner petitioner.

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

Executed on this day March 19th 2018

Jervon L. Herbin

Jervon L. Herbin,
Petitioner Pro Se



Rt Call 350432 -
County of Buchanan
State of Virginia