

No. 18-\_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

DAVID WILSON,  
*Petitioner,*  
v.

STATE OF ALABAMA,  
*Respondent.*

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On Petition for Writ of Certiorari  
to the Alabama Supreme Court

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**MOTION TO PROCEED *IN FORMA PAUPERIS***

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**CAPITAL CASE  
NO EXECUTION DATE SET**

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January 18, 2019

Petitioner, David Wilson, respectfully moves this Court, pursuant to Rule 39 of the Rules of the Supreme Court of the United States, for leave to proceed in this matter *in forma pauperis*, without prepayment of costs or fees. Mr. Wilson was declared indigent and proceeded *in forma pauperis* during post-conviction proceedings in Alabama state courts. Mr. Wilson's Affidavit Accompanying Motion to Proceed *in Forma Pauperis* is attached hereto and made a part hereof.

Respectfully submitted,

s/ David Schoen  
DAVID SCHOEN

*Counsel for David Wilson*

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

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

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
<u>None</u>	<u>None</u>	<u>None</u>	\$ \$ \$ <u>None</u>

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
<u>None</u>	<u>None</u>	<u>None</u>	\$ \$ \$ <u>None</u>

4. How much cash do you and your spouse have? \$ 0.00

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
<u>None</u>	<u>Prison account</u>	\$ <u>0.00</u>	\$ <u>None</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

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 None

Motor Vehicle #2  
Year, make & model None  
Value None

Other assets  
Description None  
Value None

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

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>None</u>	\$ <u>None</u>

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

Name	Relationship	Age
<u>None</u>	<u>None</u>	<u>None</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>None</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>None</u>
Home maintenance (repairs and upkeep)	\$ <u>None</u>	\$ <u>None</u>
Food	\$ <u>None</u>	\$ <u>None</u>
Clothing	\$ <u>None</u>	\$ <u>None</u>
Laundry and dry-cleaning	\$ <u>None</u>	\$ <u>None</u>
Medical and dental expenses	\$ <u>None</u>	\$ <u>None</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.

Incarcerated

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

Executed on: December - 13 - 2018

Dave R. Wilson 11/11/19  
My Commission Expires 11/3/21

~~Dave Wilson~~ Dave Wilson  
(Signature)

## PRISON ACCOUNT CERTIFICATE

I hereby certify that David Wilson, AIS # 00Z748, has the sum of \$ 0 on account to his credit at Holman Correctional Facility in Atmore, Alabama, where he is confined. I further certify that the amount on account to his credit at Holman Correctional Facility for the previous twelve (12) months is as follows:

December 2017	\$ <u>28.47</u>
January 2018	\$ <u>140.84</u>
February 2018	\$ <u>115.58</u>
March 2018	\$ <u>91.40</u>
April 2018	\$ <u>210.02</u>
May 2018	\$ <u>2.10</u>
June 2018	\$ <u>1.68</u>
July 2018	\$ <u>1.68</u>
August 2018	\$ <u>1.68</u>
September 2018	\$ <u>1.68</u>
October 2018	\$ <u>1.68</u>
November 2018	\$ <u>1.68</u>

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

David Wilson

AUTHORIZED OFFICER OF INSTITUTION

Executed on 10/31/18.

Alabama Department of Corrections  
Average Inmate Deposit Balances for WILSON, DAVID PHILLIP AIS# 0000Z748

	Average Balance	Gross Deposits
11/30/2018	\$1.68	\$0.00
10/31/2018	\$1.68	\$0.00
09/30/2018	\$1.68	\$0.00
08/31/2018	\$1.68	\$0.00
07/31/2018	\$1.68	\$0.00
06/30/2018	\$1.68	\$0.00
05/31/2018	\$2.10	\$0.00
04/30/2018	\$26.02	\$25.00
03/31/2018	\$91.40	\$0.00
02/28/2018	\$115.58	\$0.00
01/31/2018	\$146.34	\$0.00
12/31/2017	\$28.67	\$171.00
	\$35.02	\$196.00

I certify that this is a true and correct copy of inmate David Wilson's average balance and gross deposits.

Bianca McBride

Bianca McBride