

18-7591

No.

ORIGINAL

FILED

NOV 20 2013

OFFICE OF THE CLERK
SUPREME COURT OF OREGON

IN THE

SUPREME COURT OF THE UNITED STATES

Kofi Kyei

— PETITIONER

(Your Name)

VS.

State of Oregon

and Tessica Swift

— 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*.

Please check the appropriate boxes:

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

Oregon Supreme Court; Oregon Court of Appeals

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ 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)

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

I, Kofi Kyei, 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	\$ 0	\$	\$	\$
Self-employment	\$ 0	\$	\$	\$
Income from real property (such as rental income)	\$ 0	\$	\$	\$
Interest and dividends	\$ 0	\$	\$	\$
Gifts	\$ 0	\$	\$	\$
Alimony	\$ 0	\$	\$	\$
Child Support	\$ 0	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$	\$
Unemployment payments	\$ 0	\$	\$	\$
Public-assistance (such as welfare)	\$ 0	\$	\$	\$
Other (specify): <u>Food Stamps</u>	\$ 192.	\$	\$	\$
Total monthly income:	\$ 192.	\$	\$	\$

NOTE: Please see the statement at #12 below.

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
Unemployed since July, 2016.			\$ _____
Unemployment checks run out in 2017.			\$ _____
			\$ _____

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
School District office in Newport, OR since 2017.			\$ _____
NOTE: Please see the statement at #12 below.			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ I have \$47 cash.
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
Dormant credit union account has about \$ \$35 in it.	\$ _____	\$ _____
NOTE: Please see the statement at #12 below.	\$ _____	\$ _____
	\$ _____	\$ _____

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

<input type="checkbox"/> Home	<input type="checkbox"/> Other real estate
Value N/A	Value N/A

<input type="checkbox"/> Motor Vehicle #1	<input type="checkbox"/> Motor Vehicle #2
Year, make & model N/A	Year, make & model N/A
Value (sold my 2007 Volvo XC90)	Value

☐ Other assets
Description Miscellaneous items, electronic items
Value #3,000.
NOTE: Please see the statement at #12 below.

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
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
MK	Son	5
VK	Daughter	8
AK	Daughter	15

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)	Staying with family, relatives. NOTE: Please see the statement at #12 below.	
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)	\$ 0	\$ _____
Home maintenance (repairs and upkeep)	\$ 0	\$ _____
Food	\$ 192.	\$ _____
Clothing	\$ 0	\$ _____
Laundry and dry-cleaning	\$ 0	\$ _____
Medical and dental expenses	\$ 50.	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 350.	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ _____
Life	\$ 40	\$ _____
Health	\$ 0	\$ _____
Motor Vehicle	\$ 0	\$ _____
Other: _____	\$ N/A	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ N/A	\$ _____
Installment payments		
Motor Vehicle	\$ 0	\$ _____
Credit card(s)	\$ 20	\$ _____
Department store(s)	\$ 0	\$ _____
Other: _____	\$ 0	\$ _____
Alimony, maintenance, and support paid to others	\$ in dispute	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ _____
Other (specify): <u>Loans - payments on hold for now.</u>	\$ N/A	\$ _____
Total monthly expenses:	\$ 410.	\$ _____

NOTE: Please see the statement at #12 below.

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. Described below:

Yes. I expect to be gainfully employed and in my own home paying my own way and taking care of all my children. I expect that the district attorney will cease contacting prospective employers to "red flag" my name for alleged unpaid arrears. I expect my near fatal health conditions to have improved which should help reduce medical expenses owed.

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

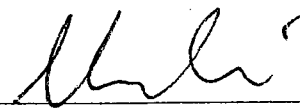
If yes, how much? _____

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. No home base. I am still staying with family, relatives. They assist with basic expenses. Spouse and minor children are still living apart with family, relatives. Spouse finances unknown; cut off since last year, when the district attorney in this case wrongfully claimed I owed child support, as pretext to seize spouse and children assets to pay the support. At that time, the information I had was that spouse was earning \$20/ hour working part time averaging 25 hours/ week for the School District and owed more money on her vehicle than it was worth.

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

Executed on: November 19, 2018



(Signature)