

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2018

ASHLEY NICHOLE RICHARDS	§	PETITIONER
	§	
VS.	§	
	§	
THE STATE OF TEXAS	§	RESPONDENT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* ON
PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CRIMINAL APPEALS OF TEXAS

CAUSE NOS. WR-82,217-04, WR-82,217-05, WR-82,217-06

CAUSE NOS. 1385762-B, 138573-B, AND 138575-B
IN THE 176TH JUDICIAL DISTRICT COURT OF
HARRIS COUNTY, TEXAS

TO THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

COMES NOW ASHLEY NICHOLE RICHARDS, Petitioner herein, by and through her attorney, TOM MORAN, and pursuant to SUP. CT. R. 39, moves this Court for leave to proceed *in forma pauperis*, and in support thereof, would show the Court as follows:

I. INTRODUCTION

This is a direct appeal of denial of habeas relief by the Texas Court of Criminal Appeals.

Petitioner has been convicted in three cases in which she was charged with cruelty to non-livestock animals. She was sentenced to 10 years in each case. She has been continually confined since August 16, 2012.

In her writ, she contends her sentence is illegal in that it is greater than the 180 day to two year sentence allowed by law.

II. ASSIGNMENT OF COUNSEL

Undersigned counsel was appointed to represent Petitioner by the 176th District Court of Harris County, Texas, pursuant to TEX. CODE CRIM. PROC. ANN. art. 11.07 § 3(d).

III. PETITIONER IS INDIGENT

Petitioner has been confined for more than six years, is unable to earn money and has no assets with which to pay the costs of court. Attached hereto is Petitioner's affidavit of indigency.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Court grant her motion for leave to proceed *in forma pauperis*.

Respectfully submitted,
Schneider & McKinney, P.C.

/s/Tom Moran
Tom Moran
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above document and its attachments was served on the State of Texas on this 1st day of February, 2019, by mailing a copy, postage paid to:

Jill Foldermann Burdette
Assistant District Attorney for Harris County
500 Jefferson, Suite 600
Houston, Texas 77002

/s/Tom Moran
Tom Moran

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

I, Ashley Richards, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>30</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>30</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

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			\$ 0
			\$ 0
			\$ 0

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.

Financial institution	Type of account	Amount you have	Amount your spouse has
TDC	TF	\$ 0	\$ 0
		\$ 0	\$ 0
		\$ 0	\$ 0

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

☐ Home
Value _____

☐ Other real estate
Value _____

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

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
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

_____	\$ <u>230</u>	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name

Relationship

Age

_____	_____	_____
_____	_____	_____
_____	_____	_____

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>Ø</u>	\$ <u>Ø</u>
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Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ <u>Ø</u>	\$ <u>Ø</u>
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Home maintenance (repairs and upkeep)

\$ <u>Ø</u>	\$ <u>Ø</u>
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Food

\$ <u>Ø</u>	\$ <u>Ø</u>
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Clothing

\$ <u>Ø</u>	\$ <u>Ø</u>
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Laundry and dry-cleaning

\$ <u>Ø</u>	\$ <u>Ø</u>
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Medical and dental expenses

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

I dont have a job and I dont have a strong support money system. I never know if I will get money on my account to even buy a soup. Been locked up since Aug. 15. 2012

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

Executed on: December 7, 2012

Ashley Richards
(Signature)