

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

James Were,

Petitioner,

-v-

State of Ohio,

Respondent.

APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner James Were respectfully requests leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed in *forma pauperis*.

Every court since Petitioner was initially sentenced to death in 1995 has permitted him to proceed *in forma pauperis*. The Ohio Courts including the Hamilton County Common Pleas Court, First Appellate District, and the Supreme Court of Ohio found him indigent multiple times since 1995. The Federal District Court, Southern District of Ohio found him indigent for purposes of filling fees and the appointment of counsel. *Were v. Forshey*, S.D. Ohio No. 1-10-cv-0698. This Court has also found him indigent. *Were v. Ohio*, Case No. 08-6435.

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

Respectfully submitted,

Office of the Ohio Public Defender

/s/ Kathryn Polonsky
KATHRYN POLONSKY [0096468]
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Counsel of Record
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Counsel for Petitioner James Were

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

I, Jones Wore, 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.

I am not married

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>16.00</u>	\$ <u>N/A</u>	\$ <u>16.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Gifts	\$ <u>15.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Alimony	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Child Support	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>00.00</u>	\$ <u>N/A</u>	\$ <u>00.00</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>31.00</u>	\$ <u>N/A</u>	\$ <u>00.00</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
<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>N/A - Not Married</u>			\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ 7.00

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
<u>Commissary Accou</u>	\$ <u>7.00</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 _____

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
NO ONE	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
NO ONE	_____	_____
_____	_____	_____
_____	_____	_____

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	\$ 16.00	\$ 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)	\$ 00.00	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 00.00	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 00.00	\$ N/A
Life	\$ 00.00	\$ N/A
Health	\$ 00.00	\$ N/A
Motor Vehicle	\$ 00.00	\$ N/A
Other: _____	\$ 00.00	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 00.00	\$ N/A
Installment payments		
Motor Vehicle	\$ 00.00	\$ N/A
Credit card(s)	\$ 00.00	\$ N/A
Department store(s)	\$ 00.00	\$ N/A
Other: _____	\$ 00.00	\$ N/A
Alimony, maintenance, and support paid to others	\$ 00.00	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 00.00	\$ N/A
Other (specify): <u>Telephone</u>	\$ 15.00	\$ N/A
	\$ 00.00	\$ N/A
Total monthly expenses:	\$ 31.00	\$ N/A

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:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

N/A

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

Executed on: January 27, 2019

James Welle 173-245
(Signature)