

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BRAD HUNTER SMITH — PETITIONER

VS.

STATE OF ARKANSAS — RESPONDENT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis* for the reasons hereafter stated.

1. The petitioner has previously been granted leave to proceed *in forma pauperis* by the Supreme Court of Arkansas as explained in the following paragraphs:

(a) The respondent, the State of Arkansas, charged the petitioner with, among other things, capital murder.

(b) Private funds were used to hire Robinson & Zakrzewski, P.A., a law firm co-owned by Gregory Neal (Greg) Robinson (“Robinson”) and Lucas Wayne (Luke) Zakrzewski (“Zakrzewski”), to provide the petitioner with legal representation in that case.

(c) Robinson is a member of the Bar of the Supreme Court of Arkansas and the Bar of this Court, whereas Zakrzewski is a member of the former but not the latter.

(d) Robinson assumed primary responsibility for trying the petitioner's case, and Zakrzewski assisted in pre-trial matters and trial preparation.

(e) After the petitioner was convicted of, among other things, capital murder and sentenced to death, Zakrzewski assumed primary responsibility for handling his appeal to the Supreme Court of Arkansas.

(f) Because no private funds were available to finance the petitioner's appeal, Zakrzewski filed a motion to proceed as if he had been appointed counsel pursuant to Rule 6-6 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas and attached to that motion an affidavit whereby the petitioner asserted his indigence.

(g) By order dated January 11, 2018, the Supreme Court of Arkansas granted that motion and, in so doing, effectively granted the petitioner leave to proceed *in forma pauperis*.

2. Although Zakrzewski has signed neither this motion nor the attached petition inasmuch as he is not a member of the Bar of this Court, he is a member of the Bar of the highest court in Arkansas, has participated extensively in the preparation of both this motion and the attached petition, and his name appears on the cover of the latter as permitted by Rule 34.1(f).

3. If certiorari is granted, Zakrzewski expects to continue to participate in this matter to the extent permitted by the rules of this Court.

4. The petitioner's affidavit or declaration is **not** attached because the court below essentially appointed counsel in the current proceeding as explained above and this motion cites the provision of law under which that occurred, namely Ark. Sup. Ct. R. 6-6.

WHEREFORE, the petitioner asks for leave to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Gregory Neal Robinson
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