

No.

IN THE SUPREME COURT OF THE UNITED STATES

BUDRY MICHEL, PETITIONER

v.

STATE OF FLORIDA, RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE FLORIDA SUPREME COURT*

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

CAREY HAUGHWOUT
Public Defender

Paul Edward Petillo
Assistant Public Defender
Counsel of Record

Office of the Public Defender
Fifteenth Judicial Circuit of Florida
421 Third Street
West Palm Beach, Florida 33401
(561) 355-7600
appeals@pd15.state.fl.us
ppetillo@pd15.state.fl.us

The Petitioner, Budry Michel moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare him indigent and allow him to proceed in forma pauperis in this cause, in particular to waive any filing fees. As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the Supreme Court of Florida that resulted in the affirmance of his sentence for first-degree murder he committed as a juvenile.
2. Petitioner was declared indigent throughout the state court proceedings.
3. Petitioner has been imprisoned since 1993 and has been indigent for all court proceedings since that time.
4. Petitioner is now indigent and without funds to pay any fees or costs in this action. The state court below appointed the office of undersigned counsel for Petitioner as an indigent party pursuant to section 27.51(1)(f), Florida Statutes.
5. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28 U.S.C. §1915(a).
6. Refusal to allow Petitioner to proceed in forma pauperis would deny him equal protection of the law, meaningful access to the courts, and due process of law since he cannot otherwise get the review to which a more affluent defendant would be entitled. *See Burns v. Ohio*, 360 U.S. 252 (1959)

(fees should be waived for discretionary appeal by indigent); *Smith v. Bennett*, 365 U.S. 708 (1961) (fees should be waived for indigent prisoner seeking state habeas relief).

WHEREFORE, Petitioner moves that this Court declare him indigent and allow filing and prosecution of his petition without payment of any fees or costs.

Respectfully submitted,

CAREY HAUGHWOUT
Public Defender
15th Judicial Circuit of Florida
421 Third Street
West Palm Beach, Florida 33401
(561) 355-7600

Paul E. Petillo

Paul Edward Petillo
Assistant Public Defender
Counsel of record