

No. 18-9207

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.

FILED

MAR 05 2019

OFFICE OF THE CLERK

LEON MAR'KEL WINSTON JR. — PETITIONER  
(Your Name)

VS.

JOE M. ALLBAUGH, — 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*.

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

In The District Court of Sequoyah County State Of Oklahoma, Oklahoma Court of Criminal Appeals, United States Eastern District of Oklahoma, United States Tenth Circuit 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.

Leon Mar'kel Winston Jr.  
(Signature)

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

I, Leon Mar'Kel Winston Jr., 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<br>the past 12 months |               | Amount expected<br>next month |               |
|----------------------------------------------------------------------------|-----------------------------------------------------|---------------|-------------------------------|---------------|
|                                                                            | You                                                 | Spouse        | You                           | Spouse        |
| Employment                                                                 | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Self-employment                                                            | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Income from real property<br>(such as rental income)                       | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Interest and dividends                                                     | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Gifts                                                                      | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Alimony                                                                    | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Child Support                                                              | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Retirement (such as social<br>security, pensions,<br>annuities, insurance) | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Disability (such as social<br>security, insurance payments)                | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Unemployment payments                                                      | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Public-assistance<br>(such as welfare)                                     | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| Other (specify): <u>N/A</u>                                                | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</u>                 | \$ <u>N/A</u> |
| <b>Total monthly income:</b>                                               | \$ <u>0</u>                                         | \$ <u>N/A</u> | \$ <u>N/A</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.)

|                             |                             |                                |                                |
|-----------------------------|-----------------------------|--------------------------------|--------------------------------|
| <b>Employer</b>             | <b>Address</b>              | <b>Dates of<br/>Employment</b> | <b>Gross monthly pay</b>       |
| <u>Not Applicable</u>       | <u>Not Applicable</u>       | <u>Not Applicable</u>          | \$ <u>Not Applicable</u>       |
| <u>                    </u> | <u>                    </u> | <u>                    </u>    | \$ <u>                    </u> |
|                             |                             |                                | \$ <u>                    </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.)

|                             |                             |                                |                                |
|-----------------------------|-----------------------------|--------------------------------|--------------------------------|
| <b>Employer</b>             | <b>Address</b>              | <b>Dates of<br/>Employment</b> | <b>Gross monthly pay</b>       |
| <u>Not Applicable</u>       | <u>Not Applicable</u>       | <u>Not Applicable</u>          | \$ <u>Not Applicable</u>       |
| <u>                    </u> | <u>                    </u> | <u>                    </u>    | \$ <u>                    </u> |
| <u>                    </u> | <u>                    </u> | <u>                    </u>    | \$ <u>                    </u> |

4. How much cash do you and your spouse have? \$ 0.00  
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 |
|-----------------------|-----------------|-----------------|------------------------|
| Not Applicable        | Not Applicable  | \$ 0.00         | \$ Not Applicable      |
|                       |                 | \$              | \$                     |
|                       |                 | \$              | \$                     |

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

☐ Home  
Value \$0.00

☐ Other real estate  
Value \$0.00

☐ Motor Vehicle #1  
Year, make & model Not Applicable  
Value \$0.00

☐ Motor Vehicle #2  
Year, make & model Not Applicable  
Value \$0.00

|                                       |                |
|---------------------------------------|----------------|
| <input type="checkbox"/> Other assets |                |
| Description                           | Not Applicable |
| Value                                 | \$0.00         |

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 |
|---------------------------------------|--------------------|----------------------------|
| Not Applicable                        | \$ 0.00            | \$ 0.00                    |
| _____                                 | \$ _____           | \$ _____                   |
| _____                                 | \$ _____           | \$ _____                   |

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

| Name           | Relationship   | Age            |
|----------------|----------------|----------------|
| Not Applicable | Not Applicable | Not Applicable |
| _____          | _____          | _____          |
| _____          | _____          | _____          |

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<br>(include lot rented for mobile home)                    | \$ 0.00 | \$ 0.00     |
| 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,<br>water, sewer, and telephone)                    | \$ 0.00 | \$ 0.00     |
| Home maintenance (repairs and upkeep)                                                    | \$ 0.00 | \$ 0.00     |
| Food                                                                                     | \$ 0.00 | \$ 0.00     |
| Clothing                                                                                 | \$ 0.00 | \$ 0.00     |
| Laundry and dry-cleaning                                                                 | \$ 0.00 | \$ 0.00     |
| Medical and dental expenses                                                              | \$ 0.00 | \$ 0.00     |

|                                                                                                | You     | Your spouse |
|------------------------------------------------------------------------------------------------|---------|-------------|
| Transportation (not including motor vehicle payments)                                          | \$ 0.00 | \$ 0.00     |
| Recreation, entertainment, newspapers, magazines, etc.                                         | \$ 0.00 | \$ 0.00     |
| Insurance (not deducted from wages or included in mortgage payments)                           |         |             |
| Homeowner's or renter's                                                                        | \$ 0.00 | \$ 0.00     |
| Life                                                                                           | \$ 0.00 | \$ 0.00     |
| Health                                                                                         | \$ 0.00 | \$ 0.00     |
| Motor Vehicle                                                                                  | \$ 0.00 | \$ 0.00     |
| Other: <u>Not Applicable</u>                                                                   | \$ 0.00 | \$ 0.00     |
| Taxes (not deducted from wages or included in mortgage payments)                               |         |             |
| (specify): <u>Not Applicable</u>                                                               | \$ 0.00 | \$ 0.00     |
| Installment payments                                                                           |         |             |
| Motor Vehicle                                                                                  | \$ 0.00 | \$ 0.00     |
| Credit card(s)                                                                                 | \$ 0.00 | \$ 0.00     |
| Department store(s)                                                                            | \$ 0.00 | \$ 0.00     |
| Other: <u>Not Applicable</u>                                                                   | \$ 0.00 | \$ 0.00     |
| Alimony, maintenance, and support paid to others                                               | \$ 0.00 | \$ 0.00     |
| Regular expenses for operation of business, profession,<br>or farm (attach detailed statement) | \$ 0.00 | \$ 0.00     |
| Other (specify): <u>Not Applicable</u>                                                         | \$ 0.00 | \$ 0.00     |
| <b>Total monthly expenses:</b>                                                                 | \$ 0.00 | \$ 0.00     |

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? Not Applicable

If yes, state the attorney's name, address, and telephone number:  
Not Applicable

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? Not Applicable

If yes, state the person's name, address, and telephone number:  
Not Applicable

12. Provide any other information that will help explain why you cannot pay the costs of this case.  
I'm in The Department of Corrections in the State of Oklahoma serving  
a sentence of Life Without Parole.

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

Executed on: May 05, 2019

  
(Signature)