

No.18-____

**In The
Supreme Court of the United States**

DAVON KELLY BENNETT,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

**On Petition For A Writ Of Certiorari To The
United States Court of Appeals for the Fourth
Circuit**

MOTION TO APPEAL IN FORMA PAUPERIS

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October 17, 2018

**MOTION TO PROCEED IN FORMA PAUPERIS
PURSUANT TO RULE 39**

Petitioner, Davon Kelly Bennett, respectfully requests that this Court permit him to appeal in forma pauperis pursuant to Rule 39 of the Rules of the Supreme Court.

I represented Petitioner at trial and on appeal in the Fourth Circuit. After trial, he was declared indigent for purposes of appeal, and I represented him pro bono in the Fourth Circuit. I have agreed to continue to represent Petitioner pro bono because his family lacked the funds for further legal services, and because Petitioner was indigent, having been convicted and sentenced to a 20-year prison term.

I am currently representing Petitioner pro bono, because I believe in the issues raised in this case, and because I made a promise not to abandon Petitioner.

An affidavit of indigency is attached hereto. Petitioner does not own any assets, has no income, no savings, and no other access to funds.

For these reasons, Petitioner respectfully requests permission to appeal in forma pauperis.

Respectfully submitted on this 17th day of
October, 2018.

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

I, Daven Bennett, 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>0.00</u>	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ _____	\$ _____	\$ _____
Other (specify): <u>Family</u>	\$ <u>100.00</u>	\$ _____	\$ <u>100.00</u>	\$ _____
Total monthly income:	\$ <u>100.00</u>	\$ _____	\$ <u>100.00</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>None</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
_____	_____	\$ _____	\$ <u>None</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

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

<input type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1 Year, make & model _____ Value _____	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> 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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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)	\$ _____	\$ _____
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)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

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

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

Executed on: April 29, 2019

D. Rivera Medina
Notary Public
State of Ohio
My Commission Expires
03-09-2022

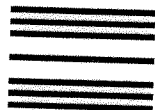
Dawan Bennett
(Signature)

Damon Bennett #59639-056
FCI Elton

8730 Scroggs Road
Lubbock TX 79432-9333

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FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☒ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)
IN THE CASE OF

USA v. Davon Kelly Bennett

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

DAVON KELLY BENNETT

CHARGE/OFFENSE (describe if applicable & check box ->)

21 U.S.C. 841(b)(1)(A)
18 U.S.C. 924(c)(1)(A)(i)
18 U.S.C. 1956(a)(1)☒ Felony
☐ Misdemeanor

- 1 ☒ Defendant - Adult
- 2 ☐ Defendant - Juvenile
- 3 ☐ Appellant
- 4 ☐ Probation Violator
- 5 ☐ Supervised Release Violator
- 5 ☐ Habeas Petitioner
- 7 ☐ 2255 Petitioner
- 8 ☐ Material Witness
- 9 ☐ Other (Specify)

DOCKET NUMBERS

Magistrate Judge

District Court

Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed	
		Name and address of employer: _____	
		IF YES, how much do you earn per month? \$ _____	IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____
		If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____	
	OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		RECEIVED	SOURCES
		IF YES, give the amount received and identify the sources \$ _____	0.00 NONE _____
	CASH	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, total amount? \$ _____	
	PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		VALUE	DESCRIPTION
		IF YES, give value and description for each \$ _____	2,700.00 2000 GMC Truck
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS Single _____ Total Married _____ No. of Widowed _____ Dependents <input checked="" type="checkbox"/> Separated or Divorced 4 List persons you actually support and your relationship to them Honesty Bennett - daughter Allure Patience Bennett - daughter Davon Bennett, Jr. - son Destiny Bennett - daughter	
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT MONTHLY PAYMENT
		Child support - amount to be determined	\$ _____ \$ _____
		Verizon collection account	\$ 1,232.00 \$ _____
		unpaid medical bills	\$ 1,969.00 \$ _____
		unpaid utilities	\$ 116.00 \$ _____

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

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Date