

18-9504

No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

RAHMAT JEVON BARRETT - PETITIONER

VS.

HAROLD W. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS

MOTION FOR LEAVE PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for writ of certiorari without payment of cost and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the following court:

Supreme Court of Virginia, 100 North 9th Street, Richmond, VA 23219  
[See Attachment I for verification in lieu of copy of order of appointment.]

The appointment was made under the following provision of law:  
Code of Virginia §19.2-160.

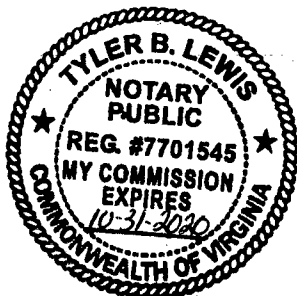
Petitioner's affidavit or declaration in support of this motion is found in Attachment II of this motion.

*Rahmat J. Barrett*

Rahmat Jevon Barrett  
Green Rock Correctional Center  
P.O. Box 1000  
Chatham, VA 24531

State of Virginia, County of Pittsylvania, to wit: Subscribed and sworn to before me, a Notary Public, this 21<sup>st</sup> day of May, 2019.

Seal:



*Tyler B. Lewis*  
Notary Public

"I certify that the above notary  
is not a party of this action."

*Rahmat J. Barrett*

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

I, Rahmat Jevon Barrett, 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	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Self-employment	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Income from real property (such as rental income)	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Interest and dividends	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Gifts	\$ <u>38.00</u>	\$ <u>Applicable</u>	\$ <u>Applicable</u>	\$ <u>Applicable</u>
Alimony	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Child Support	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Retirement (such as social security, pensions, annuities, insurance)	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Disability (such as social security, insurance payments)	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Unemployment payments	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Public-assistance (such as welfare)	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>
Other (specify): Treatment Plan		Not	Not	Not
Compliance	\$ <u>45.00</u>	\$ <u>Applicable</u>	\$ <u>Applicable</u>	\$ <u>Applicable</u>
Award				
<b>Total monthly income:</b>	\$ <u>83.00</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</u>	Not \$ <u>Applicable</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>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</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>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</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>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$ Not Applicable</u>	<u>\$ Not Applicable</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 Not Applicable

☐ Other real estate  
Value Not Applicable

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

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

☐ Other assets  
Description Not Applicable  
Value Not Applicable

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
<u>Not Applicable</u>	<u>\$ Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>\$ Not Applicable</u>	<u>\$ Not Applicable</u>
<u>Not Applicable</u>	<u>\$ Not Applicable</u>	<u>\$ Not Applicable</u>

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

Name	Relationship	Age
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>

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)	<u>\$Not Applicable</u>	<u>\$Not Applicable</u>
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)	<u>\$Not Applicable</u>	<u>\$Not Applicable</u>
Home maintenance (repairs and upkeep)	<u>\$Not Applicable</u>	<u>\$Not Applicable</u>
Food	<u>\$ 15.00</u>	<u>\$Not Applicable</u>
Clothing	<u>\$ Not Applicable</u>	<u>\$Not Applicable</u>
Laundry and dry-cleaning	<u>\$ Not Applicable</u>	<u>\$Not Applicable</u>
Medical and dental expenses	<u>\$ 8.00</u>	<u>\$Not Applicable</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Life	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Health	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Motor Vehicle	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Other: <u>Not Applicable</u>	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Not Applicable</u>	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Installment payments		
Motor Vehicle	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Credit card(s)	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Department store(s)	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Other: <u>Not Applicable</u>	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Alimony, maintenance, and support paid to others	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Other (specify): <u>Education</u>	\$ <u>60.00</u>	\$ <u>Not Applicable</u>
<b>Total monthly expenses:</b>	\$ <u>83.00</u>	\$ <u>Not Applicable</u>

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. Not Applicable

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 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 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 am an incarcerated person. The gifts that I received came as a surprise in four inmate account deposits. Those funds were allocated to tuition, student fees, and books as I am pursuing my doctorate degree through Christian Leadership University.

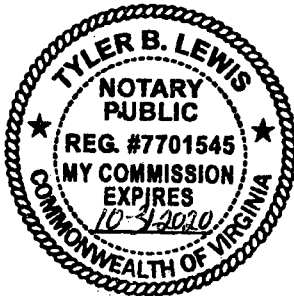
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 21, 2019

Rahmat J. Barrett  
Rahmat Jevon Barrett

State of Virginia, County of Pittsylvania, to wit: Subscribed and sworn to before me, a Notary Public, this 21<sup>st</sup> day of May, 2019.

Seal:



Tyler B. Lewis  
Notary Public

"I certify that the above notary  
is not a party of this action."  
Rahmat J. Barrett

AFFIDAVIT

I, Rahmat Jevon Barrett, respectfully state as follows:

I did not receive the written court order of the appointment of counsel  
from the Supreme Court of Virginia in my State habeas corpus case which was  
refused on May 7, 2018 Record Number 171031 and Rearing denied on June 28,  
2018. However, please see Attachment I for the correspondence between myself  
and the Ward Law Office who was appointed to represent me in this matter.

I swear the foregoing statements are true and correct to the best of my knowledge and belief and all statements are based on personal knowledge of events described. I understand if I have knowingly made false statements I may be subject to prosecution for perjury.

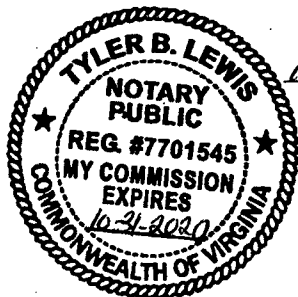
Rahmat J. Barrett

Affiant

State of Virginia, County of Pittsylvania, to wit:

Subscribed and sworn to, before me, a Notary Public, this 21<sup>st</sup> day of May, 2019.

My Commission Expires:



Tyler B. Lewis  
Notary Public

"I certify that the above notary  
is not a party of this action."

Rahmat J. Barrett

# The Ward Law Office, P.C.

Harold N. Ward, Jr.

*Attorney at Law*

10519 West Drive  
Fairfax, Virginia 22030

Ofc 703 273-8955  
Fax 703 691-3146

November 12, 2017

Mr. Rahmat Barrett  
DOC No. 1474972  
Green Rock Correctional Center  
475 Green Rock Lane  
Chatham, Virginia 24531

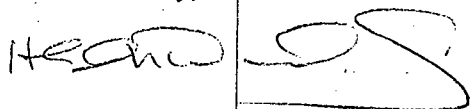
Re: Appeal of Writ of Habeas Corpus in Virginia Supreme Court

Dear Mr. Barrett:

I was recently appointed to represent you in the state Supreme Court. I notice that the Fairfax Circuit Court ruled against you and you appealed to the Supreme Court. It also appears that you filed your own brief in the Supreme Court.

Therefore, I am curious as to why to requested appointment of a lawyer. Specifically, what is it you wish for me to do for you?

Yours sincerely,



Harold N. Ward, Jr.

Letter by U.S. Mail

Attachment 1



Rahmat Jevon Barrett/#1474972  
Green Rock Correctional Center  
P.O. Box 1000  
Chatham, VA 24531

November 20, 2017

The Ward Law Office, P.C.  
Harold N. Ward, Jr., Attorney at Law  
10519 West Drive  
Fairfax, VA 22030

RE: Appeal of Writ of Habeas Corpus in the Virginia Supreme Court

Dear Mr. Ward:

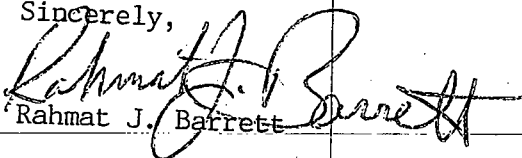
I am in receipt of your letter dated November 12, 2017 informing of your appointment to represent me in the Virginia Supreme Court. My request for appointment of counsel is because while I hold a Master of Science in Law and a Paralegal Certificate, I focused my 20 year career in employment law and health care law. My criminal law experience has only begun to take shape as a result of my incarceration and working as a Law Library Clerk here at Green Rock. Secondly, and most importantly, according to Supreme Court Rule 5:17(j)(3) no incarcerated person shall present oral arguments, expect via representation by counsel, in the Virginia Supreme Court.

With that preamble dispensed, because you have been appointed rather than my petition being summarily refused, it is reasonable to deduce that at least one of my claims is meritorious. My wish is that you would coordinate a conference call with me to:

1. confirm the approach for oral arguments as outlined in my petition;
2. file any ancillary motions to encourage case progression; and
3. appear in the Virginia Supreme Court on my behalf for the presentation of oral arguments.

If my wish is within the duties of your appointment, and are a fair rendering, you may contact Ms. Sellars, Chief of Housing and Programs at Green Rock at (434) 797-2000 to schedule the conference call. Please be sure to request that I be situated out of the housing unit to ensure my continued security and privacy. If my wish is not within your purview, I would very much appreciate your informing me and taking the necessary steps to have another counsel appointed to represent me.

Sincerely,

  
Rahmat J. Barrett

**Offender Trust Daily Receipt**COVurc28529  
11/21/2017 7:13:58 AM  
CORIS Snap

Account Location: GREEN ROCK CORRECTIONAL CENTER FG

Beginning Date: 11/20/2017 Ending Date: 11/21/2017

Barrett, Rahmat Jevon (1474972)

Green Rock Correctional Center [B-2-220-T]

Beginning Payables:	SPEND (511)	HOLD (512)	SAVINGS (513)	COMMISSARY (514)	UNCLAIMED (515)	RESERVE (516)	COURT (519)	CHILD SUPPORT (520)
	24.58	25.00	617.39	0.00	0.00	0.00	25.67	0.00
Beginning Receivables:	LOANS (211)	MEDCO LOANS (212)						
	0.00	0.00						

Post Date	Batch Number	Transaction Description	TC REF	Amount	Received From / Payee Name
11/20/2017	GROC20171120WDACM01	Legal Mail Postage	84-511	0.49 -	Ward Law Office

Ending Payables:	SPEND (511)	HOLD (512)	SAVINGS (513)	COMMISSARY (514)	UNCLAIMED (515)	RESERVE (516)	COURT (519)	CHILD SUPPORT (520)
	24.09	25.00	617.39	0.00	0.00	0.00	25.67	0.00
Ending Receivables:	LOANS (211)	MEDCO LOANS (212)						
	0.00	0.00						

Rahmat Jevon Barrett/#1474972  
Green Rock Correctional Center  
P.O. Box 1000  
Chatham, VA 24531

February 2, 2018

The Ward Law Office, P.C.  
Harold N. Ward, Jr. Attorney at Law  
10519 West Drive  
Fairfax, VA 22030

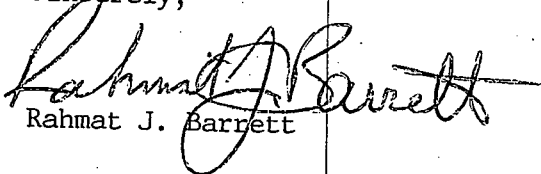
RE: RAHMAT JEVON BARRETT v. HAROLD CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS  
Circuit Court No.: 2017-4953

Dear Mr. Ward:

I hope this letter finds you well. Pursuant to our correspondence on November 12, 2017 and November 20, 2017, I am touching base for a status update as to your representing me in the Supreme Court of Virginia.

When you have a moment if you would kindly reach back to me I would greatly appreciate it.

Sincerely,

  
Rahmat J. Barrett

Letter by U.S. Mail

REVISED FEB 5 2013



VIRGINIA DEPARTMENT OF CORRECTIONS  
Inmate Trust System - Withdrawal Request

Effective Date: June 1, 2013  
Operating Procedure 802.2 Attachment 3

# INMATE TRUST SYSTEM - WITHDRAWAL REQUEST

OFFENDER NAME:	Rahmat J. Barrett		NUMBER:	1494872	
OFFENDER SIGNATURE:			DATE:	2/2/18	
WITHDRAWAL AMOUNT:	\$	47¢	HOUSING UNIT:	B	CELL/BED: 220T
WRITTEN AMOUNT:	NO dollars AND 47/100 DOLLARS				
PURPOSE OF WITHDRAWAL:	<input checked="" type="checkbox"/> POSTAGE/SHIPPING <input type="checkbox"/> COPIES <input type="checkbox"/> ID CARD <input type="checkbox"/> BIRTH CERTIFICATE <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> OTHER (explain): Legal Mail to Attorney H. Ward, Jr.				
REASON FOR MONEY ORDER OR OTHER:	First Class Mail Fairfax, VA				
PAY TO:					
ADDRESS:					
CITY/STATE/ZIP:					
RELATIONSHIP:	<input type="checkbox"/> VENDOR <input type="checkbox"/> FAMILY <input type="checkbox"/> FRIEND <input type="checkbox"/> OTHER (explain):				
There will be a fee deducted from your spend account for each Money Order. Money Orders are limited to \$300; withdrawals in excess of \$300 may result in charges for multiple money orders. Some types of withdrawals will not be processed if they take your spend account below minimum balances set for that type of withdrawal.					
<b>VALID ONLY WHEN RECEIVED DIRECTLY FROM PERSON WITNESSING THE REQUEST</b>					
<b>DO NOT WRITE BELOW LINE - FOR OFFICE USE ONLY</b>					
SIGNATURE WITNESSED BY:					
TITLE:	Jm		DATE:	2/2/18	
<input type="checkbox"/> WITHDRAWAL APPROVED <input type="checkbox"/> DISAPPROVED (reason):					
SIGNATURE:					
TITLE:	UN		DATE:	2/2/18	
DATE PAID:	2/5/18		MONEY ORDER #:		
POSTED BY:	AEF				

Envelope  
47¢  
L.G. 665  
0.302

## Offender Trust Daily Receipt

COV\urc28529  
2/6/2018 7:33:27 AM  
CORIS Snap

Account Location: GREEN ROCK CORRECTIONAL CENTER FG

Beginning Date: 2/5/2018 Ending Date: 2/6/2018

Barrett, Rahmat Jevon (1474972)

Green Rock Correctional Center [B-2-220-T]

Beginning Payables:	SPEND (511)	HOLD (512)	SAVINGS (513)	COMMISSARY (514)	UNCLAIMED (515)	RESERVE (516)	COURT (519)	CHILD SUPPORT (520)
	2.12	25.00	629.09	0.00	0.00	0.00	0.00	0.00
Beginning Receivables:	LOANS (211)	MEDCO LOANS (212)						
	0.00	0.00						

Post Date	Batch Number	Transaction Description	TC REF	Amount	Received From / Payee Name
02/05/2018	GROC20180205WDACF06	Legal Mail Postage	84-511	0.47 -	Ward Law Office
02/05/2018	GROC20180205WDACF06	Legal Mail Postage	84-511	0.47 -	Ephraim Law Office

Ending Payables:	SPEND (511)	HOLD (512)	SAVINGS (513)	COMMISSARY (514)	UNCLAIMED (515)	RESERVE (516)	COURT (519)	CHILD SUPPORT (520)
	1.18	25.00	629.09	0.00	0.00	0.00	0.00	0.00
Ending Receivables:	LOANS (211)	MEDCO LOANS (212)						
	0.00	0.00						

The Ward Law Office, P.C.

Harold N. Ward, Jr.

*Attorney at Law*

10519 West Drive  
Fairfax, Virginia 22030

Ofc 703 273-8955  
Fax 703 691-3146

February 9, 2018

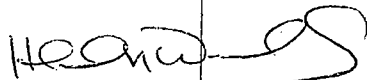
Mr. Rahmat Barrett  
DOC No. 1474972  
Green Rock Correctional Center  
475 Green Rock Lane  
Chatham, Virginia 24531

Re: Appeal of Writ of Habeas Corpus in Virginia Supreme Court

Dear Mr. Barrett:

I received your letter, dated February 2, 2018, asking for a status update as to my representing you in the Supreme Court of Virginia. Therefore, allow me to inquire, what do you want me to do for you?

Yours sincerely,



Harold N. Ward, Jr.

Letter by U.S. Mail.