

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ANTONIO PARA PEREZ

Petitioner,

v.

THE STATE OF TEXAS

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Antonio Para Perez, the Petitioner herein, moves the Supreme Court of the United States, to permit him to file and proceed on this Petition for Writ of Certiorari *in forma pauperis*. Counsel for the Petitioner has been appointed, under the provisions of the Texas Code of Criminal Procedure *in forma pauperis* (specifically, Tex. Code Crim. Pro. art. 26.044 and Tex. Code Crim. Pro. art. 26.04 *et. seq.*: in the trial court,

the 89th District Court of Wichita County, Texas, the Second Court of Appeals of Texas sitting at Fort Worth, Texas and the Texas Court of Criminal Appeals. *See* the Orders of the Court attached hereto. *See App. A* attached hereto. Additionally, the Declaration of Counsel regarding the financial status and *in forma pauperis* history of petitioner is attached hereto. *App. B*.

In support hereof, Counsel has attached a copy of the Order of the Texas trial court appointing the Wichita County Public Defender as counsel for Mr. Perez.

Prayer for Relief Requested

Wherefore Premises Considered, Petitioner, Antonio Para Perez respectfully prays this Court GRANT this motion and allow the Petitioner, Antonio Para Perez to proceed on this case *in forma pauperis* and without being required to prepay fees and costs and file 40 copies of this petition in booklet form.

Respectfully submitted,

MELVIN K. HORANY
ASSISTANT PUBLIC DEFENDER

OFFICE OF THE PUBLIC DEFENDER
WICHITA COUNTY, TEXAS
600 Scott Street, Ste. 204
Wichita Falls, Texas 76301
Tel. 940-766-8199
Fax. 940-716-8561

/s/Melvin K. Horany
Melvin K. Horany

Counsel for Mr. Perez

APPENDIX A

CAUSE NO. 58438 **FILED FOR RECORD**
AT: 3:45 PM 3 O'clock 3 M. Appeal

THE STATE OF TEXAS

V.
Antonio Parra Perez

§
§
§
§
§

IN THE JUL 28 2017 COURT

OF PATTI FLORES, Clerk Dist.
Courts & County Courts at Law
Wichita County, Texas
By [Signature] Deputy
WICHITA COUNTY, TEXAS

ORDER APPOINTING/DENYING ATTORNEY

Pursuant to application for court appointed counsel for indigent defendant heretofore presented to the Court, and after having given the same due consideration, the Court hereby makes the following order in the above entitled and numbered cause.

✓ It is ordered that (the Public Defender or **PUBLIC DEFENDER**, a practicing and qualified attorney) be, and said attorney is hereby appointed as attorney for the defendant in the above entitled and numbered cause. This appointment is effective the date of this order, or such earlier date as actual notice of such appointment may have been given to said attorney, if the same appears anywhere in the record of this cause.

 If the Public Defender is not appointed, said attorney is among the next five names on the applicable appointment list for the offense charged.

 Said attorney is not among the next five names on the applicable appointment list for the offense charge and the good cause for this attorney to be appointed is:

 Denied - Not Indigent

 Denied- Incomplete

 Denied -Refused to fill out application

 Denied- Pro Se

Signed this 28 day of July, 20 17

[Signature]
JUDGE PRESIDING

COPIES MAILED TO:

Attorney: **PUBLIC DEFENDER**
Attorney's Phone # 940-766-8199
Court Administrator
Defendant: Antonio Parra Perez #02133132
Bill Clements Facility 403/527
9601 Spur 591
Amarillo, TX 79107-9606

RECEIVED

JUL 28 2017

COURT ADMINISTRATOR'S
OFFICE

USE PENS ONLY - NO PENCILS

ANSWER ALL QUESTIONS

BOOK-IN # Alt 9661-Appeal

UNSWORN DECLARATION OF INABILITY TO HIRE COUNSEL

AND REQUEST FOR COURT-APPOINTED COUNSEL

(For use by inmates only)

1. What is your full legal name? ANTONIO PARRA PEREZ
What is the street address, town, state, and zip code where you live or stay? (MUST LIST ADDRESS) 1608 USAGE AVE WICHITA FALLS, TEXAS 76301-7917 What is your date of birth? 03/27/1948
2. Are you a U. S. citizen? YES If you answered "No" to this last question, what is your country of citizenship? NA
3. What is the telephone number where you live or stay? 940-767-3457 What is your cell phone number? NA
4. Who pays for the place where you live or stay? House Pd in full HOME IMPROVEMENT How is this person related to you? WIFE How much do they pay each month? \$420.00 How many people live in the place where you live? 6 About how much money do all the adults that you live with make together each month? \$1,500 2 ADULT + 2 CHILDREN
5. Do you have any children? YES How many? 4 Do your children live with you? 2 Do you get child support? NO How much each month? \$0 If your children do not live with you, do you pay child support? NO How much each month? \$0
6. Do you have a job? NO Where do you work? RETIRED How much do you get paid? \$ per (mo./wk./hr.) if paid per hr. how many hrs. do you work per wk.
7. If you don't work right now, when is the last time you had job? 04/31/09 Where did you work? PPG INDUSTRIES, INC When is the last time you got paid? 05/30/09 How much? \$700.00
8. Do you get any welfare, disability, pension or unemployment benefits? YES What kind? PPG PENSION Total each month? \$923.00 + WIFE GETS 550.00 SOC. SECURITY
9. Do you own a car, truck or motorcycle? YES Which? 2000 PICK-UP + 07 SUBURBAN Is it (are they) paid for? PICK-UP PAYING 290 PER MONTH How much is it (are they) worth? \$4000
10. Do you own a house or any land? YES Which? HOUSE Is it paid for? YES What is it worth? \$50,000 ON TAX ROLL
11. Do you have any cash anywhere? NO How much? \$0 Do you have any bank accounts? YES How much money do you have in the bank? \$300.00
12. Are you in jail? YES How much is your bond? \$ Can you make your bond? Can anyone else make your bond? Who? If you have already made bond, who is your bondsman? How much are you paying your bondsman? \$ ea. mo./wk.
13. Was anybody else charged with this offense with you? NO Who?

I HEREBY AUTHORIZE THE COURT ADMINISTRATOR TO VERIFY THIS INFORMATION FROM ANY SOURCE.

"My name is ANTONIO PARRA PEREZ. My date of birth is 03/27/1948.
My inmate identifying number, if any, is TDCJ #02133132 413/52T Bill CLEMENTS UNIT
AMARILLO, TX 79107-9606 I am presently incarcerated in the Wichita County Jail in

Wichita County, Texas. I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct."

Executed the 25 day of JULY

Antonio Parra Perez
DECLARANT

I DECLINE TO COMPLETE THIS APPLICATION (Defendant's initials)

APPENDIX B

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DECLARATION IN SUPPORT OF
MOTION TO PROCEED *IN FORMA PAUPERIS*

I, Melvin K. Horany, an attorney admitted to practice before the Supreme Court of the United States hereby declare that I am the attorney for the Petitioner Antonio Para Perez. I am familiar with the financial status of the petitioner and, upon information and belief, declare that he is an indigent person. The courts of the State of Texas, of both general and appellate jurisdiction within the State of Texas have previously entered findings or acknowledged that Mr. Perez is an

indigent person under the laws of the State of Texas. Documentation in support is included in support of this Motion.

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

Executed on May 28, 2019.

/s/Melvin K. Horany
Melvin K. Horany

Counsel for the Petitioner