

No. 18-9519

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.
FILED

MAY 29 2019

OFFICE OF THE CLERK

MICHAEL WESLEY

---PETITIONER

VS.

THE PEOPLE OF THE STATE OF NEW YORK---RESPONDENT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner ask leave to file attached petition for a writ of Certiorari without prepayment of cost and to proceed in forma pauperis.

Please check the appropriate boxes

☐ Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

☒ 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.

☐ Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law:

☐ a copy of the order of appointment is appended.

RECEIVED

JUN 3 - 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Michael Wesley
Michael Wesley

AFFIDAVIT OR DECLARATION

IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I Michael Wesley, am the petitioner in the above-entitle case. In support of my motion to proceed in forma pauperis ,I state that because of my poverty I am unable to pay the cost of this case or to give security there for: 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 receive Weekly, Biweekly, Quarterly, Semiannually 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 | \$ 1,960 | \$ _____ | \$ 1,960 | \$ _____ |
| Self-Employment | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Income from real property (such as rental income) | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Interest and dividends | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Gifts | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Alimony | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Child Support | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Retirement (Such as social security, pensions, annuities, insurance) | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Disability (such as social, Insurance payments) | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Unemployment payments | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Public assistance (such as Welfare) | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| Other (specify): | \$ <u>NA</u> | \$ _____ | \$ _____ | \$ _____ |
| TOTAL MONTHLY INCOME: | \$ 1,960 | \$ _____ | \$ 1,960 | \$ _____ |

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Date of Employment | Gross monthly pay |
|-------------------|------------------------------|--------------------|-------------------|
| Winfield Security | 57w 38 th st NY, NY 10018 | 8/27/2016 | \$ 1,960 |
| | | | \$ |
| | | | \$ |

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 | Date of Employment | Gross Monthly Pay |
|----------|---------|--------------------|-------------------|
| | | | \$ |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$

Below, state any money you or your spouse have in bank account or in any other financial institution.

| Type of Account (e.g., checking or saving) | Amount you have |
|--|-----------------|
| | \$ |
| | \$ |
| | \$ |

Amount your spouse has

\$

\$

\$

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

[] Home Value MA

[] Other real estate Value MA

[] Motor Vehicle #1 Year, Make & Model MA
Value MA

[] Motor Vehicle #2 Year, Make & Model MA
Value MA

[] 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 person who rely on you or your spouse for support, for minor children, list initials instead of name (e.g. "J.S." instead of John Smith")

| 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) | \$ 900.00 | \$ _____ |

Are real estate taxes included [] Yes [X] No.

Is property insurance included? [] Yes [X] No

| | | |
|--|-----------|----------|
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ 600.00 | \$ _____ |
|--|-----------|----------|

| | | |
|---------------------------------------|----------|----------|
| Home maintenance (repairs and upkeep) | \$ _____ | \$ _____ |
|---------------------------------------|----------|----------|

| | | |
|-----------------------------|------------------|----------|
| Food | \$ <u>200.00</u> | \$ _____ |
| Clothing | \$ <u>350.00</u> | \$ _____ |
| Laundry and dry-cleaning | \$ <u>25.00</u> | \$ _____ |
| Medical and dental expenses | \$ <u>NA</u> | \$ _____ |

| | You | your spouse |
|--|-----------------|-------------|
| Transportation (not including motor vehicle payment) | \$ _____ | \$ _____ |
| Recreation ,Entertainment ,Newspapers, Magazines ,etc | \$ <u>40.00</u> | \$ _____ |
| Insurance (not deducted from wages or included in mortgage payments) | \$ _____ | \$ _____ |
| Homeowner's or renter's | \$ <u>NA</u> | \$ _____ |
| Life | \$ <u>NA</u> | \$ _____ |
| Health | \$ <u>NA</u> | \$ _____ |
| Motor Vehicle | \$ <u>NA</u> | \$ _____ |
| Other: _____ | \$ <u>NA</u> | \$ _____ |

Taxes (not deducted from wages or included in mortgage payments)

(specify): _____

Installment payment

| | | |
|---------------------|--------------|----------|
| Motor Vehicle | \$ <u>NA</u> | \$ _____ |
| Credit Card(s) | \$ <u>NA</u> | \$ _____ |
| Department Store(s) | \$ <u>NA</u> | \$ _____ |
| Other: _____ | | |

Alimony , Maintenance ,and support paid to others

| | | |
|--|--------------|----------|
| regular expenses for operation of business, profession | \$ <u>NA</u> | \$ _____ |
| or farm (attach detailed statement) | \$ <u>NA</u> | \$ _____ |

Other (Specify): _____

\$ MA - \$ _____

Total Monthly expense: _____

\$ MA \$ _____

9. Do you expect any change to your monthly income or expenses or in your assets or liabilities during the next 12 months?

[] Yes [X] 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 [X] No

If yes, how much ? _____

if yes, State the attorney 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 [X] No

If yes, how much? MA

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 cost of this case.

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

Executed on: MAY 29, 2019.

Michael Mesley
(Signature)