

No. 18-\_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2018

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MARION WILSON, JR.,

Petitioner,

-v-

BENJAMIN FORD, Warden,

Respondent.

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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Petitioner, MARION WILSON, JR., by and through his undersigned counsel, asks leave to file the attached Petition for Writ of Certiorari to the Supreme Court of Georgia without prepayment of fees and costs, and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court. Petitioner's Affidavit in support of this motion is attached hereto as Exhibit A.

This 20th day of June, 2019.

/s/Marcia A. Widder

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Marcia A. Widder (Ga. 643407)  
GEORGIA RESOURCE CENTER  
303 Elizabeth Street, NE  
Atlanta, Georgia 30307  
(404) 222-9202

Brian S. Kammer (Ga. 406322)  
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Decatur, Georgia 30030  
(678) 235-4964

COUNSEL FOR MR. WILSON

## **EXHIBIT A**

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

I, Marion Wilson, 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 the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ 325	\$ _____	\$ 325	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total monthly income:</b>	\$ 325	\$ _____	\$ _____	\$ _____

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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ \_\_\_\_\_  
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
Ga. Diagnostic Prison	Prison account	\$ \$631	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

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	\$200-250 \$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$5 per sick call \$ _____	\$ _____

	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:	\$250-75 \$ _____	\$ _____

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 AM A PRISONER UNDER DEATH SENTENCE.

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

Executed on: 6/6, 2019

Marion Wilson  
(Signature)

CERTIFICATION

I hereby certify that the Plaintiff herein, Marion Wilson,  
has an average monthly balance for the last twelve (12) months of \$ 631.44 on account at  
the GDLP

\_\_\_\_\_ institution where confined. (If not confined for a full  
twelve (12) months, specify the number of months confined. Then compute the average monthly balance  
on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said  
institution: \_\_\_\_\_

Lynn Youngblood  
Authorized Officer of Institution

6-6-19  
Date



Account Statement

WILSON, MARION

Printed By: YOUNGBLOOD, LYNN

GDC ID: 847877

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligation/Court Charges
\$631.44	\$10.00	\$0.00	\$641.44	\$0.00

## RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
06/03/2019	19501712	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 101601605	\$200.00
05/06/2019	19402351	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 100503439	\$120.00
05/03/2019	19391894	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 100368076	\$200.00
04/03/2019	19282941	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 99158891	\$100.00
04/02/2019	19277792	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 99093735	\$200.00
03/05/2019	19174295	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 97961313	\$125.00
03/03/2019	19161889	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 97823601	\$200.00
02/05/2019	19065090	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 96633570	\$125.00
02/05/2019	19064851	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 96628146	\$200.00
01/05/2019	18953165	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 95362969	\$125.00
01/01/2019	18936593	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 95111759	\$200.00
12/04/2018	18843656	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 93937415	\$275.00
12/02/2018	18833045	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 93830484	\$200.00
11/07/2018	18748148	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 92792470	\$200.00
11/02/2018	18726163	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 92513412	\$150.00
10/04/2018	18630083	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 91391917	\$180.00
10/02/2018	18620595	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 91247334	\$150.00
09/03/2018	18521081	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 90101211	\$190.00
09/02/2018	18517162	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 90063155	\$150.00
08/04/2018	18415890	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 88892504	\$125.00
08/04/2018	18415186	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 88875053	\$150.00
07/30/2018	18394124	JPAY DEPOSIT RECEIPT	JPAY - KAMMER, BRIAN - 88630026	\$40.00
07/05/2018	18312632	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 87725522	\$125.00
07/05/2018	18312120	JPAY DEPOSIT RECEIPT	JPAY - HADLEY, LYNDIA - 87717712	\$150.00
06/15/2018	18238929	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 86937743	\$200.00
06/04/2018	18199078	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 86506088	\$125.00
05/17/2018	18136805	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 85811693	\$150.00
05/06/2018	18097671	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 85420390	\$125.00
04/16/2018	18023769	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 84625845	\$100.00
04/05/2018	17983870	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 84170908	\$125.00
03/28/2018	17953736	JPAY DEPOSIT RECEIPT	JPAY - WALKER, EBONIE - 83818439	\$200.00
03/20/2018	17925961	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 83519584	\$100.00
03/11/2018	17891897	JPAY DEPOSIT RECEIPT	JPAY - COX, CHARLENE - 83163030	\$125.00

Account Statement

62 Total Pages

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**CERTIFICATE OF SERVICE**

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This is to certify that I have served a copy of the foregoing document this day by electronic transmission and/or U.S. Mail, on counsel for Respondent at the following address:

Beth Burton, Esq.  
Deputy Attorney General  
bburton@law.ga.gov  
132 State Judicial Building  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334-1300

This 20th day of June, 2019.

/s/Marcia A. Widder

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Attorney