

No.

IN THE
SUPREME COURT OF THE UNITED STATES

RAFAEL JACOB STOFFEL,
Petitioner,
v.
STATE OF FLORIDA,
Respondent.

**On Petition for Writ of Certiorari
to the Florida First District Court of Appeal**

MOTION TO PROCEED *IN FORMA PAUPERIS*

MICHAEL UFFERMAN
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COUNSEL FOR THE PETITIONER

The Petitioner, RAFAEL JACOB STOFFEL, prays the Court for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. The Petitioner's indigency affidavit that is attached to this pleading.

Respectfully submitted,

/s/ Michael Ufferman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing instrument was
furnished to:

Office of the Attorney General
PL01, The Capitol
Tallahassee, Florida 32399-1050

by U.S. mail delivery on July 5, 2019.

Respectfully submitted,

/s/Michael Ufferman

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

I, Rafael Sbari, 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	\$ 0	\$ 36,000	\$ 0	\$ 3,000
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 3,600	\$ 0	\$ 300
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ 0	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 1,680	\$ 0	\$ 140	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ 1,680	\$ 39,600	\$ 140	\$ 3,300

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
N/A	N/A	N/A	\$ N/A
			\$
			\$

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$	\$
	\$	\$
	\$	\$

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

☒ Home Value \$ 150,000	☐ Other real estate Value
☐ Motor Vehicle #1 Year, make & model Value	☐ Motor Vehicle #2 Year, make & model Value
☐ 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
<u>N/A</u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u> </u>	\$ <u> </u>	\$ <u> </u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>Little S/ottel /LS</u>	<u>step-daughter</u>	<u>11</u>
<u>Ruth S/ottel /RS</u>	<u>daughter</u>	<u>8</u>
<u>Leah S/ottel /LS</u>	<u>daughter</u>	<u>6</u>
<u>Esther S/ottel /ES</u>	<u>daughter</u>	<u>5</u>
<u>Skylar S/ottel /SS</u>	<u>step-daughter</u>	<u>14</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>0</u>	\$ <u>1,000</u>
Are real estate taxes included? ☒ Yes ☐ No		
Is property insurance included? ☒ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>4.00</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>2.00</u>	\$ <u>6.00</u>
Clothing	\$ <u>0</u>	\$ <u>2.00</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>1.00</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>2.00</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>3.00</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>2.00</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>1.00</u>	\$ <u>?</u>
Health	\$ <u>0</u>	\$ <u>4.00</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>3.00</u>
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>0</u>
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): <u>Survivor's Benefit Plan</u>	\$ <u>0</u>	\$ <u>1.20</u>
Total monthly expenses:	\$ <u>3.00</u>	\$ <u>3.40</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.

I'm going through a divorce

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? *unknown*

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.

My wife and I are going through a divorce

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

Executed on: *May 23*, 20*19*

Robert J. Ruffalo
(Signature)