

**CAPITAL CASE**

NO. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

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DAVID A. WESTERFIELD, PETITIONER

VS.

STATE OF CALIFORNIA, RESPONDENT

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ON PETITION FOR WRIT OF CERTIORARI  
TO THE CALIFORNIA SUPREME COURT

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**PETITION FOR A WRIT OF CERTIORARI**

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**PETITIONER'S MOTION TO PROCEED ON WRIT OF  
CERTIORARI IN FORMA PAUPERIS**

MARK D. GREENBERG

Attorney at Law

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Counsel of Record for Petitioner,  
DAVID A. WESTERFIELD

**MOTION TO PROCEED ON WRIT OF CERTIORARI  
*IN FORMA PAUPERIS***

Pursuant to Rule 39 of this Court, Petitioner David A. Westerfield requests leave to file the accompanying Petition for Writ of Certiorari without prepayment of fees or costs, and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the California Supreme Court pursuant to California Penal Code section 1240.

A copy of the California Supreme Court's order appointing undersigned counsel for the state direct appeal is attached as Appendix A.

Dated: July 3, 2019

Respectfully submitted,

/s/ Mark D. Greenberg  
Attorney for David Westerfield

**APPENDIX A**

**ORDER OF CALIFORNIA SUPREME COURT  
APPOINTING COUNSEL FOR INDIGENT APPELLANT**

SUPREME COURT  
FILED

DEC 11 2007

No. S112691

Frederick K. O'Connell, Clerk  
  
Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

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THE PEOPLE, Respondent,

v.

DAVID ALAN WESTERFIELD, Appellant.

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Upon request of appellant for appointment of counsel, Mark D. Greenberg is hereby appointed to represent appellant David Alan Westerfield for the direct appeal in the above automatic appeal now pending in this court.

  
Chief Justice