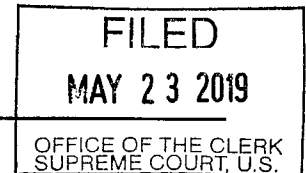
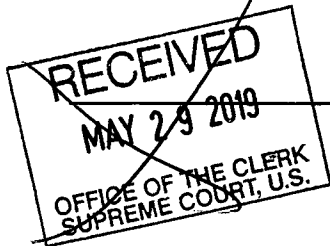


IN THE SUPREME COURT OF THE
UNITED STATES



KENNETH B. DAVENPORT

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Petitioner, Kenneth B. Davenport, presently proceeding *pro se* respectfully seeks leave of this Court to file his petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

In support of this request, the following is averred:

1. Petitioner was previously granted leave to proceed *in forma pauperis* on appeal in the Court of Common Pleas, Montgomery County, Pennsylvania. A copy of the County Court's order, as entered on March 13, 2017, has been appended hereto as **Attachment "A"**.

2. Petitioner has also appended hereto as **Attachment "B"** his Petition and Affidavit for Leave to Proceed In Forma Pauperis as filed in the Court of Common Pleas of Montgomery County on March 8, 2017.

3. Petitioner has also appended hereto as **Attachment "C"** his

Official Docket Entry showing the *Motion for Leave to Proceed In Forma Pauperis* and the accompanying order issued by Judge Carolyn T. Carluccio.

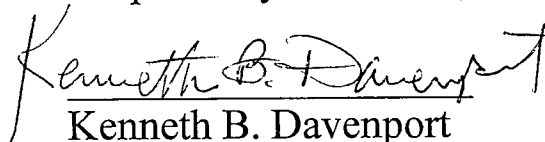
4. Thereafter, Petitioner was granted leave to proceed with his Petition for Allowance of Appeal in the Pennsylvania Supreme Court on April 5, 2018. On April 19, 2018, Petitioner submitted a *Verified Statement in Support of Continuation of IFP Status*. See **Attachment "D"**, *Allocatur Docket Sheet* in **Commonwealth v. Davenport**, 277 MAL 2018.

5. Petitioner has not yet filed on record his *Petition for Writ of Certiorari*. Presently pending before the Court is his *Application for an Extension of Time to File Petition for Writ of Certiorari Pursuant to Rule 13.5 of the Rules of the Supreme Court*.¹

WHEREFORE, based on the above stated reasons and the documents, as appended, Petitioner PRAYS that the Court will grant his request to proceed without prepayment of costs.

Dated: March 18, 2019

Respectfully submitted,


Kenneth B. Davenport
Petitioner, *Pro Se*
#AF-7291, SCI-Dallas
1000 Follies Road
Dallas, PA 18612-0286

¹The *Application* has appended to it the order of the Penna. Supreme Court denying Petitioner's *Application for Reconsideration* on December 26, 2018. Therefore, the *Pet. for Writ of Certiorari* is presently due on March 26, 2019. The *Application* seeks leave of Court for an extension of time of 45 days from March 26, or by May 10, 2019, to file with the Court the *Pet. for Writ of Certiorari*.

In re: **Kenneth Davenport v. Pennsylvania**

No. 18A948

19 - 5191
AFFIDAVIT OR DECLARATION

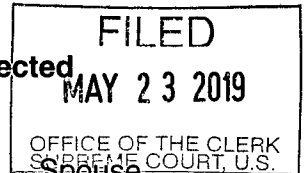
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, KENNETH DAVENPORT, 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 ** | \$ <u>28.32</u> | \$ <u>00.00</u> | \$ <u>28.32</u> | \$ <u>0.00</u> |
| Self-employment | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Income from real property (such as rental income) | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Interest and dividends | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Gifts | \$ <u>31.25</u> | \$ <u>0.00</u> | \$ <u>31.25</u> | \$ <u>0.00</u> |
| Alimony | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Child Support | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Disability (such as social security, insurance payments) | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Unemployment payments | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Public-assistance (such as welfare) | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Other (specify): _____ | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Total monthly income: | \$ <u>59.57</u> | \$ <u>0.00</u> | \$ <u>59.57</u> | \$ <u>0.00</u> |

****Nominal Prison wages.**



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 | \$ 0.00 |
| | | | \$ |
| | | | \$ |

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 |
|----------|---------|---------------------|-------------------|
| N/A | N/A | N/A | \$ 0.00 |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ 0.00
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 | \$ 0.00 | \$ 0.00 |
| | \$ | \$ |
| | \$ | \$ |

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

☐ Home N/A
Value 0.00

☐ Other real estate N/A
Value 0.00

☐ Motor Vehicle #1 N/A
Year, make & model
Value 0.00

☐ Motor Vehicle #2 N/A
Year, make & model
Value 0.00

☐ Other assets N/A
Description
Value 0.00

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 |
|---------------------------------------|--------------------|----------------------------|
| N/A | \$ 0.00 | \$ 0.00 |
| | \$ | \$ |
| | \$ | \$ |

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 |
|------|--------------|-----|
| N/A | N/A | N/A |
| | | |
| | | |

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) | \$ 0.00 | \$ 0.00 |
| Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No - N/A | | |
| Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No - N/A | | |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ 0.00 | \$ 0.00 |
| Home maintenance (repairs and upkeep) | \$ 0.00 | \$ 0.00 |
| Food | \$ 0.00 | \$ 0.00 |
| Clothing | \$ 0.00 | \$ 0.00 |
| Laundry and dry-cleaning | \$ 0.00 | \$ 0.00 |
| Medical and dental expenses | \$ 0.00 | \$ 0.00 |

| | You | Your spouse |
|--|---------|-------------|
| Transportation (not including motor vehicle payments) | \$ 0.00 | \$ 0.00 |
| Recreation, entertainment, newspapers, magazines, etc. | \$ 0.00 | \$ 0.00 |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ 0.00 | \$ 0.00 |
| Life | \$ 0.00 | \$ 0.00 |
| Health | \$ 0.00 | \$ 0.00 |
| Motor Vehicle | \$ 0.00 | \$ 0.00 |
| Other: _____ | \$ 0.00 | \$ 0.00 |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ 0.00 | \$ 0.00 |
| Installment payments | | |
| Motor Vehicle | \$ 0.00 | \$ 0.00 |
| Credit card(s) | \$ 0.00 | \$ 0.00 |
| Department store(s) | \$ 0.00 | \$ 0.00 |
| Other: _____ | \$ 0.00 | \$ 0.00 |
| Alimony, maintenance, and support paid to others | \$ 0.00 | \$ 0.00 |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ 0.00 | \$ 0.00 |
| Other (specify): _____ | \$ 0.00 | \$ 0.00 |
| Total monthly expenses: | \$ 0.00 | \$ 0.00 |

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.

AS PROVIDED IN ATTACHMENT "B" TO MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS I WAS LAST EMPLOYED IN 1972 AS A STUDENT
ATTENDING DREXEL UNIVERSITY. I HAVE BEEN CONTINUOUSLY
INCARCERATED SINCE MARCH OF 1973.

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

Executed on: _____ JULY 1st, 2019


(Signature)