

No. _____

In the Supreme Court of the United States

October Term, 2018

ARTHUR WHITLEY, PETITIONER,
v.
THE STATE OF TEXAS, RESPONDENT

PETITION FOR WRIT OF CERTIORARI
TO THE
TEXAS COURT OF CRIMINAL APPEALS

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

NOW COMES Petitioner Arthur Whitley, by and through his undersigned prospective court-appointed counsel, and pursuant to Rule 39.1, Supreme Court Rules, and Title 18, United States Code, § 3006A(d)(7), respectfully moves this Honorable Court for leave to proceed *in forma pauperis*, and to file the previously filed Petition for Writ of Certiorari to the Fourth Court of Appeals of Texas without prepayment of fees. To date, the undersigned has been Petitioner's retained appellate counsel, but not including the present proceedings. The undersigned has attached an affidavit from the Petitioner alleging his indigency to proceed before this Court *in forma pauperis*.

Respectfully submitted,



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DATED: July 24, 2019.

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

I, Arthur Whitley, 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>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Self-employment	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Income from real property (such as rental income)	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Interest and dividends	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Gifts	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Alimony	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Child Support	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Disability (such as social security, insurance payments)	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Unemployment payments	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Public-assistance (such as welfare)	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Other (specify): <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Total monthly income:	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>	\$ <u>"0"</u>

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
"0"	"0"	"0"	\$ "0"
"0"	"0"	"0"	\$ "0"
"0"	"0"	"0"	\$ "0"

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
"0"	"0"	"0"	\$ "0"
"0"	"0"	"0"	\$ "0"
"0"	"0"	"0"	\$ "0"

4. How much cash do you and your spouse have? \$ "0"
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
N/A	N/A	\$ "0"	\$ "0"
N/A	N/A	\$ "0"	\$ "0"
N/A	N/A	\$ "0"	\$ "0"

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 "0"
Value "0"

☐ Other real estate N/A
Value "0"

☐ Motor Vehicle #1 N/A "0"
Year, make & model "0"
Value "0"

☐ Motor Vehicle #2 N/A "0"
Year, make & model "0"
Value "0"

☐ Other assets
Description N/A
Value "0"

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
N/A
N/A

\$ "0"
\$ "0"
\$ "0"

\$ "0"
\$ "0"
\$ "0"

7. State the persons who rely on you or your spouse for support.

Name

Relationship

Age

N/A
N/A
N/A

N/A
N/A
N/A

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"

\$ "0"

Are real estate taxes included? ☐ Yes ☐ No
Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ "0"

\$ "0"

Home maintenance (repairs and upkeep)

\$ "0"

\$ "0"

Food

\$ "0"

\$ "0"

Clothing

\$ "0"

\$ "0"

Laundry and dry-cleaning

\$ "0"

\$ "0"

Medical and dental expenses

\$ "0"

\$ "0"

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>"0"</u>	\$ <u>"0"</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>"0"</u>	\$ <u>"0"</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>"0"</u>	\$ <u>"0"</u>
Life	\$ <u>"0"</u>	\$ <u>"0"</u>
Health	\$ <u>"0"</u>	\$ <u>"0"</u>
Motor Vehicle	\$ <u>"0"</u>	\$ <u>"0"</u>
Other: _____	\$ <u>"0"</u>	\$ <u>"0"</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Installment payments		
Motor Vehicle	\$ <u>"0"</u>	\$ <u>"0"</u>
Credit card(s)	\$ <u>"0"</u>	\$ <u>"0"</u>
Department store(s)	\$ <u>"0"</u>	\$ <u>"0"</u>
Other: <u>N/A</u>	\$ <u>"0"</u>	\$ <u>"0"</u>
Alimony, maintenance, and support paid to others	\$ <u>"0"</u>	\$ <u>"0"</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>"0"</u>	\$ <u>"0"</u>
Other (specify): _____	\$ <u>"0"</u>	\$ <u>"0"</u>
Total monthly expenses:	\$ <u>"0"</u>	\$ <u>"0"</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.

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? "0"

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? "0"

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

Executed on: July 10th, 2019


(Signature)