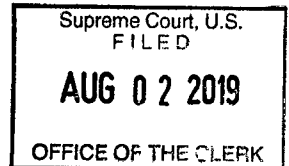


No. 19-5528

ORIGINAL

IN THE  
UNITED STATES SUPREME COURT OF APPEALS



[ Robert Anthony Chester ]: PETITIONER

VS.

[ State of West Virginia ]: RESPONDENT(S)

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

The petitioner asks leave to file the attached petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*.

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in any other Court (s).

[ Taylor County Circuit Court ]

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other Court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

[ *R Chester* ]  
(Signature)

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

I, [ **Robert Anthony Chester** ], 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 therefore, 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, bi-weekly, 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<br>Amount During the<br>Past 12 Months |               | Amount Expected<br>Next Month |               |
|--|--|---------------|-------------------------------|---------------|
|  | You  | Spouse        | You                           | Spouse        |
| Employment   | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Self-employment  | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Income from real property<br>(such as rental income)                       | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Interest and Dividends   | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Gifts  | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Alimony  | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Child Support  | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Retirement (such as social<br>security, pensions, annuities,<br>insurance) | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Disability (such as social<br>security, insurance payments)                | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Unemployment Payments  | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Public-Assistance (such as<br>welfare)                                     | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| Other: [ <b>description</b> ]  | \$ N/A   | \$ N/A        | \$ N/A                        | \$ N/A        |
| <b>Total Monthly Income:</b>   | <b>\$ N/A</b>  | <b>\$ N/A</b> | <b>\$ N/A</b>                 | <b>\$ N/A</b> |

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

4. How much cash do you or your spouse have? \$ [ 0.00 ]  
Below, state any money you or your spouse have in bank accounts or any other financial institution.

| Financial institutional | Type of Account | Amount You Have | Amount Your Spouse Has |
|-------------------------|-----------------|-----------------|------------------------|
| N/A                     | N/A             | \$ N/A          | \$ N/A                 |
| N/A                     | N/A             | \$ N/A          | \$ N/A                 |
| N/A                     | N/A             | \$ N/A          | \$ N/A                 |

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

| Asset             | Year, Make & Model | Value  |
|-------------------|--------------------|--------|
| Home              | N/A                | \$ N/A |
| Other Real Estate | N/A                | \$ N/A |
| Motor Vehicle #1  | N/A                | \$ N/A |
| Motor Vehicle #2  | N/A                | \$ N/A |
| Other Assets:     | N/A                | \$ N/A |
| N/A               | N/A                | \$ N/A |

6. State every person, business or organization owing you or your spouse money, and the amount owed.

| Person Owing You or<br>Your Spouse Money | Amount Owed<br>to You | Amount Owed to<br>Your Spouse |
|--|-----------------------|-------------------------------|
| N/A                                      | \$ N/A                | \$ N/A                        |
| N/A                                      | \$ N/A                | \$ N/A                        |
| N/A                                      | \$ N/A                | \$ N/A                        |

7. State the person[s] 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 |
| 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<br>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 | \$ N/A | \$ N/A         |
| Utilities (electricity, heating fuel, water sewer, and telephone)                        | \$ N/A | \$ N/A         |
| Home maintenance (repairs and upkeep)  | \$ N/A | \$ N/A         |
| Food   | \$ N/A | \$ N/A         |
| Clothing   | \$ N/A | \$ N/A         |
| Laundry and dry-cleaning   | \$ N/A | \$ N/A         |
| Medical and dental expenses  | \$ N/A | \$ N/A         |
| Transportation (not including motor vehicle payment                                      | \$ N/A | \$ N/A         |
| Recreation, entertainment, newspapers, magazines, etc.                                   | \$ N/A | \$ N/A         |

| <b>Estimated Average <u>Monthly</u> Expenses (Continued)</b>                                | <b>You</b>    | <b>Your Spouse</b> |
|---|---------------|--------------------|
| Insurance (not deducted from wages or included in mortgage payments)                        | N/A           | N/A                |
| Homeowner's or renter's   | \$ N/A        | \$ N/A             |
| Life  | \$ N/A        | \$ N/A             |
| Health  | \$ N/A        | \$ N/A             |
| Motor Vehicle   | \$ N/A        | \$ N/A             |
| Other: [ <b><i>description</i></b> ]  | \$ N/A        | \$ N/A             |
| Taxes (not deducted from wages or included in mortgage payments)                            |               |                    |
| Specify: [ <b><i>description</i></b> ]  | \$ N/A        | \$ N/A             |
| Installment payments  |               |                    |
| Motor Vehicle   | \$ N/A        | \$ N/A             |
| Credit Card(s)  | \$ N/A        | \$ N/A             |
| Department Store(s)   | \$ N/A        | \$ N/A             |
| Other: [ <b><i>description</i></b> ]  | \$ N/A        | \$ N/A             |
| Alimony, maintenance, and support paid to others  | \$ N/A        | \$ N/A             |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ N/A        | \$ N/A             |
| Other: [ <b><i>description</i></b> ]  | \$ N/A        | \$ N/A             |
| <b>Total Monthly Expenses:</b>  | <b>\$ N/A</b> | <b>\$ N/A</b>      |

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: **Attorney's Name - N/A**  
**Address - N/A**  
**Telephone Number -N/A**

11. Have you paid - or will 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? \$N/A

If yes: **Person's Name - N/A**

**Address - N/A**

**Telephone Number - N/A**

12. Provide any other information that will help explain why you cannot pay the cost of this case. **I am incarcerated and have no means of earning an income sufficient to afford the cost of accessing the Court or to employ an attorney.**

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

Executed on: [ July 31 ], 2019.

[  ]  
(Signature)