

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JEFFREY R. MACDONALD,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

NOW COMES Petitioner Jeffrey R. MacDonald, through undersigned counsel, and respectfully requests that this Court grant him leave to proceed in forma pauperis in filing a petition for writ of certiorari. In support of this request, Petitioner shows the Court the following:

1. Petitioner was convicted at trial in the United States District Court for the Eastern District of North Carolina in 1979 for the murder of his wife and two children on Fort Bragg, North Carolina, and sentenced to life imprisonment. Petitioner has been in federal prison for almost forty (40) years and is indigent and without any assets.

2. Undersigned counsel was retained by associates of Petitioner to represent him in the Fourth Circuit Court of Appeals. Undersigned counsel has not been retained to represent Petitioner any further, and has prepared the Petition for Writ of Certiorari submitted contemporaneously herewith without compensation, pursuant to his duties as Petitioner's counsel below.

3. Petitioner is unable to pay the costs or retain counsel attendant to the proceedings before this Court.

WHEREFORE, Petitioner respectfully requests that he be granted leave to proceed in forma pauperis.

This the 20 day of May, 2019.


Joseph E. Zesztarski, Jr.
Gammon, Howard & Zesztarski PLLC
115 ½ West Morgan Street
Raleigh, NC 27601
(919) 521-5878
jzesztarski@ghz-law.com
Counsel for Petitioner

Original
Put top of page
Dams

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

I, Jeffrey MacDonald, 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>390.00</u>	\$ <u>200.00</u>	\$ <u>390.00</u>	\$ <u>—</u>
Self-employment	\$ <u>—</u>	\$ <u>800.00</u>	\$ <u>—</u>	\$ <u>800.00</u>
Income from real property (such as rental income)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Interest and dividends	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Gifts	\$ <u>—</u>	\$ <u>40.00</u>	\$ <u>—</u>	\$ <u>40.00</u>
Alimony	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Child Support	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Disability (such as social security, insurance payments)	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u> * <i>please see attached</i>
Unemployment payments	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Public-assistance (such as welfare)	\$ <u>—</u>	\$ <u>189.00</u>	\$ <u>—</u>	\$ <u>189.00</u>
Other (specify): <i>help from friends, relatives</i>	\$ <u>200.00</u>	\$ <u>1000.00</u>	\$ <u>200.00</u>	\$ <u>400.00</u> * <i>attached</i>
	<i>social services programs</i>	<i>(250.00 - offsetting utility /medical income)</i>	<i>Same</i>	<i>not same</i>
	<i>charities</i>	<i>100.00</i>	<i>300.00</i>	<i>300.00</i>
Total monthly income:	\$ <u>590.00</u>	\$ <u>2529.00</u>	\$ <u>590.00</u>	\$ <u>1729</u> * <i>pls see attached</i>
	<i>money sent home by spouse!</i>			

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
<u>Bureau of Prisons</u>	<u>Washington, D.C.</u>	<u>1982 - Present</u>	<u>\$ 390.00 (since 2010)</u>
			<u>\$</u>
			<u>\$</u>

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
<u>Media Services WOE LLC</u>	<u>Los Angeles, CA</u>	<u>8/2018 - 1/2019</u>	<u>\$ 200.00</u>
<u>Self</u>	<u>Columbia, MD</u>	<u>1/2017 - 7/2019 present</u>	<u>\$ 800.00</u>
			<u>\$</u>

4. How much cash do you and your spouse have? \$ 385.00

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
<u>Checking</u>	<u>\$ —</u>	<u>\$ 385.00</u>
	<u>\$</u>	<u>\$</u>
	<u>\$</u>	<u>\$</u>

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

Home * please see attached

Value 325,000

Other real estate

Value

Motor Vehicle #1

Year, make & model 2007 Kia Sportage

Value 3500.00

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>Clark's Crossing Condo. Assoc.</u>	\$ _____	\$ <u>4875.00</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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>1</u>	\$ <u>1290.00</u> * <small>pls. see attached</small>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>1</u>	\$ <u>250.00</u> *
Home maintenance (repairs and upkeep)	\$ <u>1</u>	\$ <u>190.00</u> *
Food	\$ <u>1</u>	\$ <u>100.00</u> *
Clothing	\$ <u>1</u>	\$ <u>1</u>
Laundry and dry-cleaning	\$ <u>1</u>	\$ <u>1</u>
Medical and dental expenses	\$ <u>1</u>	\$ <u>300.00</u> *

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ /	\$ 60.00
Recreation, entertainment, newspapers, magazines, etc.	\$ /	\$ /
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ /	\$ /
Life	\$ /	\$ /
Health	\$ /	\$ 200.00*
Motor Vehicle	\$ /	\$ /
Other: <i>commissary, stamps, phone calls email use, toiletries, paper goods</i>	\$ 250.00	\$ 25.00
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ /	\$ /
Installment payments		
Motor Vehicle	\$ /	\$ /
Credit card(s)	\$ /	\$ 125.00
Department store(s)	\$ /	\$ /
Other: <i>student loan</i>	\$ /	\$ 118.00 deferred
Alimony, maintenance, and support paid to others <i>spouse</i>	\$ 300.00	\$ /
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ /	\$ /
Other (specify): <i>Money owed to current Counsel</i>	\$ approx 3000*	\$ shared
Total monthly expenses:	\$ 550.0	\$ 2558.00

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? APPROX 1.82 million since 1970 *
+ spouse \$425,000 since 2002 2002

If yes, state the attorney's name, address, and telephone number:

Current Counsel: Joseph E. Zeszotarski, Esq.
115 1/2 W. Morgan ST Raleigh, NC 27601 / 919.521.5878
Hart Miles, Esq.
113 Fayetteville St # 500 Raleigh NC 27601 / 919. 833.3114
+ numerous prior Counsel

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 APPROX. \$ 800,000) spouse \$ 20,000

If yes, how much? please see attached *

If yes, state the person's name, address, and telephone number:

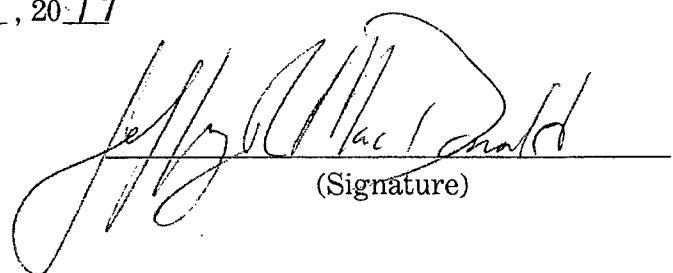
please see attached

12. Provide any other information that will help explain why you cannot pay the costs of this case.

please see attached

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

Executed on: 7/1, 2019


(Signature)

(* spouse Kathryn Mac Donald POA)