

ORIGINAL

No.

IN THE SUPREME COURT OF THE UNITED STATES

19-6024

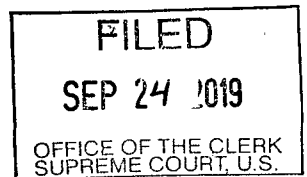
KENNETH ALLEN ROGERS,

Petitioner,

V.

THE STATE OF CALIFORNIA,

Respondent.



MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERS

The petitioner asks leave to file the attached petition for a Writ of Certiorari without prepayment of costs and to proceed in forma paupers pursuant to Rule 12. 2 as petitioner is confined in State Prison.

Petitioner has been previously been granted leave to proceed on waiver of fees in the, California Court of Appeal and California Supreme Court in this case.

Dated September 12, 2019

Kenny Rogers
Kenneth A Rogers

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

I, Kenneth A Rogers, am the petitioner in the above entitled case. In support on my motion to proceed in forma pauperis, I state that because of my poverty I am unable to pay the cost of this case or to give security therefor; and I believe I am entitled to redress.

I am incarcerated by respondents in State and have no resources to pay the filing fees, or to retain legal counsel in this case.

I am not married and have no income other then my monthly payment from my prison job.

The principle issue in this case is that the State of California refusal to hold a hearing on the motion brought by the People for a refund of the unearned retainer paid to legal counsel for legal representation on my behalf.

Income monthly from Prison Job	<u>100.-</u>
Income from real Property	<u>Ø</u>
Interest and dividends	<u>Ø</u>
Gifts	<u>Ø</u>
Total Monthly Income	<u>\$100</u>

#100

-55%

FILING
\$45.-

2. List your employment history for the past two years, most recent first.

I have been incarcerated by respondent for over two years and have no employment other than my prison job.

3. I have no spouse

4. I have no cash and my institutional trust account balance is \$416 ^{approx.}

5. I have no assets, and have no spouse.

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

Persons owing you or spouse money ϕ	Amount owned to you ϕ	Amount owned to Spouse ϕ
Donald Masuda	\$128,500.00	No spouse
Kenny Giffard	\$15,000.00	No Spouse

7. I have no depends

8. I have no monthly expenses other than hygiene items as I am incarcerated by respondents.

Total monthly expenses

\$55.-

9. Do you expect any major change to your monthly income or expense or in your assets or liabilities during the next 12 month?

Yes: The basis of the petition is that the People made a motion to the trial court that attorney Donald Masuda had to account for the advance retainer paid in my criminal case for legal representation through trial of \$128,500.00 and the trial court never provided legal representation and Masuda never refunded the unearned retainer.

Attorney Kenny Giffard assumed legal representation in the criminal case which was prohibited under Rule 3-310 (A) (B) (3) because attorney Giffard had an ongoing business relationship with Donald Masuda and was prohibited from representing me in the criminal case.

Attorney Larry Pilgrim knowingly filed a declaration on behalf of his client Kenny Giffard asserting falsely that attorney Giffard never represented clients on behalf the Law Offices of Donald Masuda, while attorney Pilgrim had already entered into a stipulation of facts that attorney Giffard in fact represented client Andrade simultaneously while represent Kenneth Rogers.

10. Have you paid-or will be paying- an attorney any money for services in connection with this case, including completion of this form? No.

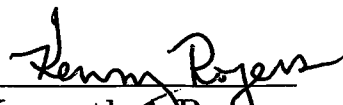
11. Have you paid- or will you be paying - anyone other than an attorney (such as a paralegal or typist) any money for services in connection with this case, including the completion of this form?

No.

12. I am incarcerated by respondent and have no resources to prepay the filing fees or retain an attorneys to represent me in this case for the relief that I am entitled to under the laws clearly established by this Court.

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

Executed on Sept. 12, 2019


Kenneth A. Rogers