

No.\_\_\_\_\_

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

FRANKLIN PILLIER,

Petitioner

VS.

COMMONWEALTH OF MASSACHUSETTS,

Respondent

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

The petitioner asks leave to file his Petition for Writ of Certiorari without payment of costs and to proceed in forma pauperis. As reasons the petitioner states:

- 1.) The petitioner was previously declared indigent in the courts in Massachusetts and proceeded in forma pauperis in the Commonwealth of Massachusetts in both the Trial Court and the Appeals Court, under but not limited to: G.L.c. 211D, sec. 2; G.L.c. 211D, sec. 2A; G.L. c. 211D, sec 5; Massachusetts Supreme Judicial Rule 3:10; and Mass. R. Crim. P. 33.
- 2) The petitioner has been incarcerated on this matter since 2013, and is without any financial resources.
- 3) Due to being found indigent, petitioner had counsel appointed to represent him in Massachusetts both in the Superior Court and for his appeal.

- 4) The petitioner will not be able to proceed in this matter unless this court allows him to proceed in forma pauperis.
- 5) Appellate counsel has prepared this motion and the Petition for a Writ of Certiorari pro bono, due to the petitioner's lack of financial resources.
- 6) The petitioner begs this court to allow him to proceed in forma pauperis in this matter.
- 7) Due process as provided in both the 14<sup>th</sup> and 5<sup>th</sup> Amendments to the United States Supreme Court require that this defendant is permitted to proceed in forma pauperis in this Court.

Respectfully submitted,  
Franklin Pillier  
Through his Counsel:

/s/ Dale Marie Merrill  
Dale Marie Merrill, BBO # 641896  
Law Office of Dale Marie Merrill  
P.O. Box 2139  
Crystal River, FL 34423  
781-354-1369  
dalemariem@aol.com

## PROOF OF SERVICE

I, Dale Marie Merrill, do swear or declare that, as required by Supreme Court Rule 29, I have served the enclosed Petition for Writ of Certiorari and Motion to Proceed in Forma Pauperis on each party to the above proceeding or that party's counsel, and on every other person required to be served, by mailing the above documents by first class U.S. mail or better and properly addressed to each of them, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. Ten copies have been filed with the Clerk of Court, for the U.S. Supreme Court. Said documents are further electronically being filled and served through the Court's electronic filing service on this 21<sup>st</sup> day of September 2019.

The parties who have been served are: Maura Healey, Attorney General, Massachusetts Office of the Attorney General, One Ashburton Place, Boston, MA 02108, marua.healey@state.ma.us; Marina Moriarty, ADA, Office of the District Attorney, 10 Federal St., Salem, MA 01970, marina.moriarty@state.ma.us; and on the Clerk of Court, U.S. Supreme Court, 1<sup>st</sup> Street NE, Washington, DC 20543.

Signed under pains and penalties of perjury this 21<sup>st</sup> day of September 2019.

/s/ Dale Marie Merrill

Dale Marie Merrill, Esq., BBO#641896

*Counsel of Record for FRANKLIN PILLIER*

Law Office of Dale Marie Merrill

P.O. Box 2139

Crystal River, FL 34423

781-354-1369

dalemariem@aol.com