

No. _____

In the Supreme Court of the United States

PHILLIP JONES,
Petitioner,

v.

STATE OF OHIO,
Respondent.

On Petition for Writ of Certiorari to
the Supreme Court of Ohio

APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Phillip Jones, respectfully requests leave to file the attached petition for writ of certiorari without payment of costs and to proceed *in forma pauperis*.

Petitioner is indigent, and he has been found indigent and permitted to file *in forma pauperis* in every court since Petitioner Jones was indicted in 2007 on charges that carried the potential for the death penalty. Petitioner Jones was specifically granted appointed counsel in the lower court. A copy of that order of appointment is appended to this Application.

Petitioner Jones respectfully requests leave to file the attached petition for writ of certiorari without payment of costs and to proceed *in forma pauperis*.

Respectfully submitted,

OFFICE OF THE
OHIO PUBLIC DEFENDER

/s/ Kimberly S. Rigby
Kimberly S. Rigby [0078245]
Supervising Attorney
Death Penalty Department
Counsel of Record

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IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

THE STATE OF OHIO

)
VS.
)

)
PHILLIP L. JONES
PAGE TWO OF TWO

) Case No. CR 07 04 1294

) JOURNAL ENTRY

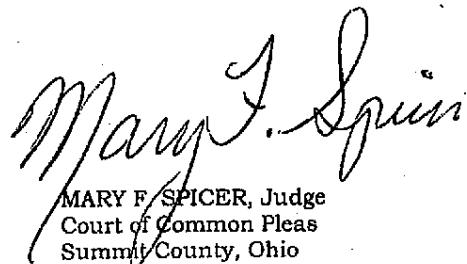
You have the right, under R.C. 2950.031 or 2950.032 to challenge your Tier classification for an offense committed prior to January 1, 2008. In order to challenge your classification, a petition must be filed within 60 days of this Notice.

The Official in charge of the Defendant's correctional facility, or designee thereof, is hereby ORDERED to enter the within determination in the Defendant's institutional record and IS FURTHER ORDERED to cause a DNA specimen to be collected in accordance with R.C. 2901.07, to collect all items set forth in R.C. 2950.03(C), and forward them to the Bureau of Criminal Identification, and to Notify the Defendant of all applicable Registration duties as set forth in R.C. 2950.03.

THEREUPON, the Court informed the Defendant of his right to appeal pursuant to Rule 32A2, Criminal Rules of Procedure, Ohio Supreme Court, at which time the Defendant expresses his intent to appeal, and further, the Court appoints Attorney LAWRENCE WHITNEY and Attorney NATHAN RAY to represent the Defendant for purposes of appeal, as the Defendant is in indigent circumstances, and unable to employ counsel.

IT IS FURTHER ORDERED that the Defendant is to be conveyed by the Sheriff of Summit County, Ohio, within Five (5) Days to the CORRECTIONAL RECEPTION CENTER at Orient, Ohio, for immediate transport to the SOUTHERN OHIO CORRECTIONAL FACILITY as Lucasville, Ohio, and that he be there safely kept until the 30th day of January, 2009, on which day, within an enclosure, inside the walls of said SOUTHERN OHIO CORRECTIONAL FACILITY, prepared for that purpose, according to law, the said Defendant PHILLIP L. JONES, shall be administered a lethal injection by the Warden of the said SOUTHERN OHIO CORRECTIONAL FACILITY, or in the case of the Warden's death or inability, or absence, by a Deputy Warden of said Institution; that the said Warden or his duly authorized Deputy, shall administered a lethal injection until the Defendant, PHILLIP L. JONES, is DEAD.

APPROVED:
January 30, 2008
jam


MARY F. SPICER, Judge
Court of Common Pleas
Summit County, Ohio

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cc: Prosecutor Becky Doherty/Brian LoPrinzi
Criminal Assignment
Attorney Kerry O'Brien #15
Attorney Donald Hicks #46
Attorney Nathan Ray #5
Attorney Lawrence Whitney #5
Adult Probation Department
Court Convey
Registrar's Office
SCJ, Barb Perkins