

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2019

CHRISTOPHER T. SHANAHAN
Petitioner,

v.

IDAHO
Respondent.

**On Petition for a Writ of Certiorari
to the Supreme Court of the State of Idaho**

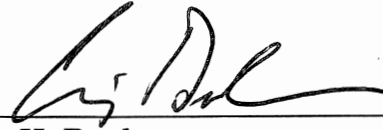
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner, Christopher T. Shanahan, asks leave to file the enclosed Petition for Writ of Certiorari without prepayment of costs and to proceed In Forma Pauperis in accordance with Supreme Court Rule 39.

Mr. Shanahan cannot afford the filing fee or the costs of printing and copying booklet briefs for submission to the Court. The undersigned counsel, a member of the bar of this Court, is assisting him pro bono. In accordance with Supreme Court Rule 39.1, Mr. Shanahan includes a declaration of indigency, sworn in compliance with 28 U.S.C. §1746 and in the form prescribed by the Federal Rules of Appellate Procedure, Form 4.

WHEREFORE, Petitioner, Christopher T. Shanahan, prays for leave to proceed In Forma Pauperis.

Respectfully submitted this 7th day of October, 2019.

A handwritten signature in black ink, appearing to read 'Craig H. Durham', is written over a horizontal line.

Craig H. Durham
FERGUSON DURHAM, PLLC
223 N. 6th Street, Suite 325
Boise, Idaho, 83702
P: (208)-345-5183 ext. 2
F: (208)-906-8663
chd@fergusondurham.com
Attorney for Petitioner

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

I, Christopher T. Shanahan, 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>96</u>	\$ <u>Not married</u>	\$ <u>96</u>	\$ <u>Not married</u>
Self-employment	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Interest and dividends	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Gifts	\$ <u>300</u>	\$ <u></u>	\$ <u>300</u>	\$ <u></u>
Alimony	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Child Support	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Unemployment payments	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u></u>	\$ <u>0</u>	\$ <u></u>
Other (specify): <u>none</u>	\$ <u></u>	\$ <u></u>	\$ <u></u>	\$ <u></u>
Total monthly income:	\$ <u>396</u>	\$ <u></u>	\$ <u>396</u>	\$ <u></u>

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
IDAHO STATE CORRECTIONAL CENTER	P.O. Box 70010	2009 - present	\$ 72 INCREASED TO
	BOISE ID 83707		\$ 96 AUG. 2019

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
I am not married			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ I am incarcerated and have no cash available to me.*
Below, state any money you or your spouse have in bank accounts or in any other financial institution. * \$275 IN AUSTIN TRUST ACCT.

Financial institution	Type of account	Amount you have	Amount your spouse has
CAPITAL GROUP	MUTUAL FUND	\$ 3,169.31	\$ N/A
AMERICAN FUNDS		\$	\$
		\$	\$

**I am in debt for the full amount of this fund to my mother for advancing legal expenses for me below. The funds will be transferred to her in the next few weeks. My interest in this account is offset by the debt owed and due.

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

I own none of these assets

☐ Home

Value None

☐ Other real estate

Value None

☐ Motor Vehicle #1

Year, make & model None

Value

☐ Motor Vehicle #2

Year, make & model

Value

☐ Other assets

Description None

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
_____	\$ None	\$ N/A
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
I am not married and have no dependents		
_____	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ 0	\$ N/A
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		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ _____
Home maintenance (repairs and upkeep)	\$ 0	\$ _____
Food	\$ 0	\$ _____
Clothing	\$ 0	\$ _____
Laundry and dry-cleaning	\$ 0	\$ _____
Medical and dental expenses	\$ 0	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ _____
Credit card(s)	\$ <u>0</u>	\$ _____
Department store(s)	\$ <u>0</u>	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ _____
Other (specify): <u>PHONE EXPENSES AND</u>	\$ <u>396</u>	\$ _____
<u>COMMISSARY/FOOD</u>	\$ <u>396</u>	\$ _____
Total monthly expenses:	\$ _____	\$ _____

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.

I am in debt to my mother for advancing \$3,000 from her retirement account for my legal-related expenses below, and I will be transferring all of the funds in my small mutual fund account to her in the next few weeks. See answer to question 4. No other changes expected.

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

*counsel is now assisting me pro bono

If yes, how much? _____

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

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

If yes, how much? _____

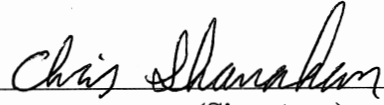
If yes, state the person's name, address, and telephone number:

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

I have incarcerated for nearly 24 years and I have limited resources available to me. I do not have the funds to pay the fees and costs to file this petition for certiorari in this Court.

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

Executed on: October 7, 20 19


(Signature)

Christopher Shanahan