

19-7461

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Derrick Lamar Cheeks #343108 — PETITIONER
(Your Name)

VS.

Alford Joyner — RESPONDENT(S)

Supreme Court, U.S.
FILED
OCT 17 2019
OFFICE OF THE CLERK

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

District Court of South Carolina

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____

or

a copy of the order of appointment is appended.

Derrick S Cheeks
(Signature)

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

I, Derrick Lamar Cheeks #343108, 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>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Self-employment	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Interest and dividends	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Gifts	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Alimony	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Child Support	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Unemployment payments	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Other (specify): _____	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
Total monthly income:	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</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
<u>Not Applicable Incarcerated</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>Not Applicable</u>			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ Not Applicable

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>Not Applicable</u>	\$	\$
	\$	\$
	\$	\$

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

Home
Value Not Applicable

Other real estate
Value Not Applicable

Motor Vehicle #1
Year, make & model Not Applicable
Value _____

Motor Vehicle #2
Year, make & model Not Applicable
Value _____

Other assets
Description Not Applicable
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>Not Applicable</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
<u>Not Applicable</u>	_____	_____
	_____	_____
	_____	_____

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>Not Applicable</u>	\$ <u>Not Applicable</u>
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)	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Home maintenance (repairs and upkeep)	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Food	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Clothing	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Laundry and dry-cleaning	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>
Medical and dental expenses	\$ <u>Not Applicable</u>	\$ <u>Not Applicable</u>

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

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? **Requested "\$15,000" - received \$5,000 down payment**

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

**Eduardo K. Curry
Curry Pickney Graham Law Firm
P.O. Box 42270
North Charleston, SC 29418**

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 am incarcerated and do not earn any compensation for my labor as a Cafeteria Worker.

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

Executed on: January 22nd, 2020

Derrick S Cheeks
(Signature)

IN THE SUPREME COURT
OF THE UNITED STATES

		CASE NO:
DERRICK LAMAR CHEEKS, #343108)	
)	
	Petitioner,)
)	
	v.)
)	
ALFORD JOYNER)	
)	
	Respondent,)
)	
)	

**AFFIDAVIT IN SUPPORT OF MOTION
FOR PETITION FOR WRIT OF
CERTIORARI IN THE SUPREME
COURT OF THE UNITED STATES**

NOW COMES Derrick Lamar Cheeks, being duly sworn, and hereby deposes and states as follows:

1. I am the petitioner in the above-entitled action, proceeding as pro-se; has only a GED with no legal education and just a layman of the law.
2. The Institution that Mr. Cheeks is currently housed at is on Lockdown due to a prisoner attempting to escape and Mr. Cheeks for his safety to meet his scheduled deadline deposited two (2) copies of the Petition for Writ of Certiorari by placing in the care of two different SCDC Staff Employees possession to place into the Institutional Mailing System pre-paid postage on Friday, December 6, 2019.
3. The Petition was returned with a letter from the clerk to correct deficiencies and a note was attached stating: "only one copy of the petition needed to be mailed." Mr. Cheeks sent two (2) petitions by two (2) different SCDC Officers just in case one Officer mistakenly forgot to deposit the petition in the institutional mailing system.
4. Petitioner corrected the deficiencies pursuant to the clerks letters dated December 13, 2019.

WHEREFORE, based upon the forgoing the Petitioner respectfully request that the United States Supreme Court grant Petitioner's **MOTION FOR PETITION FOR WRIT OF CERTIORARI IN THE SUPREME COURT OF THE UNITED STATES.**

Executed on this 22ND day of January, 2020

Derrick S Cheeks

Derrick Cheeks, #343108

Lee C.I. F6B-2232

990 Wisacky Highway

Bishopville, SC 29010

AFFIDAVIT

State of South Carolina)
) S.S:
County of Lee)

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

Executed on this 22ND day of January, 2020

Derrick S Cheeks

Derrick Cheeks, #343108

Pro-se Litigant

IN THE SUPREME COURT
OF THE UNITED STATES

		CASE NO:
DERRICK LAMAR CHEEKS, #343108)	
)	
	Petitioner)
)
		DECLARATION OF INMATE FILING
)	
ALFORD JOYNER)	
)	
	Respondent)
)
)

I, Derrick Lamar Cheeks, declare that I am an inmate confined at Lee Correctional Institution in Bishopville, South Carolina. Today 22ND day of January, 2020, I have served **Declaration of Inmate Filing and Certificate of Service** in compliance to letter from the **Office of the United States Supreme Court Clerk, Scott S. Harris** dated **December 13, 2019** by depositing a copy of it in the Lee Correctional Institution's internal mail system to be delivered via United States First Class Certified Mail Return Receipt requested is being prepaid either by me or by the institution on my behalf.

I declare under the penalty of perjury that the foregoing is true and correct. (See 28 U.S.C. § 1746; 18 U.S.C. § 1621).

DATED: this 22ND day of January, 2020

Bishopville, South Carolina

Derrick S Cheeks

Derrick Cheeks, #343108

Lee C.I. F6B-2232

990 Wisacky Highway
Bishopville, SC 29010