

No. 19-_____

**IN THE
SUPREME COURT OF THE UNITED STATES**

DONNIE CLEVELAND LANCE,

Petitioner,

-v.-

BENJAMIN FORD, WARDEN,

Respondent.

On Petition for Writ of *Certiorari*
To The Supreme Court of Georgia

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

**CAPITAL CASE:
EXECUTION SCHEDULED JANUARY 29, 2020, 7:00 PM**

Petitioner Donnie Cleveland Lance, by and through undersigned counsel, requests leave to file the attached Petition for Writ of Certiorari to the Georgia Supreme Court and Motion for Stay of Execution without prepayment of fees and costs, and to proceed in forma pauperis, pursuant to Rule 39 of the Rules of this Court.

In support thereof, Petitioner shows this Court the following:

- 1) Petitioner is currently confined at the Georgia Diagnostic and Classification Prison in Jackson, Georgia, and has been so confined under

sentence of death since 1999. Petitioner was permitted to proceed as an indigent, without payment of costs and fees, in the Butts County Superior Court and in the Georgia Supreme Court. *See Attachment A.*

- 2) Undersigned counsel was appointed to represent Petitioner in pursuing habeas corpus relief in the federal courts pursuant to the Criminal Justice Act. *See Attachment B.*
- 3) Petitioner remains indigent and wishes to seek a writ of certiorari from this Court to the Georgia Supreme Court, which affirmed the lower court's denial of his petition for writ of habeas corpus.

Wherefore, Petitioner respectfully requests that this Court grant his motion and allow Petitioner to proceed in forma pauperis in petitioning for a writ of certiorari without prepayment of costs or fees.

Respectfully submitted this, the 29th day of January, 2020.

/s/ Mary E. Wells

Mary E. Wells
Ga. Bar No. 747852
623 Grant Street SE
Atlanta, Georgia 30312-3240
T. 404-408-2180
mewells27@comcast.net

/s/ James W. Boswell

James W. Boswell
Ga. Bar No. 069838
L. Joseph Loveland – former partner
Ga. Bar No. 459350
Jonathan R. Chally
Ga. Bar No. 141392
KING & SPALDING LLP
1180 Peachtree Street NE
Atlanta, Georgia 30309
T. 404-572-4600/F. 404-572-5100
ljloveland@gmail.com
jboswell@kslaw.com
jchally@kslaw.com

Counsel for Petitioner Donnie Cleveland Lance

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020, a true and correct copy of the foregoing Motion For Leave to Proceed In Forma Pauperis was served electronically via ECF upon Respondent's counsel as follows:

Beth Burton
Senior Assistant Attorney General
Office of Attorney General
132 State Judicial Building
40 Capitol Square, S.W.
Atlanta, Georgia 30334
bburton@law.ga.gov

J. Bradley Smith
Piedmont Judicial Circuit
District Attorney's office
5000 Jackson Parkway Suite 160
Jefferson, Georgia 30549
bsmith@barrowga.org

Dated: This, the 29th day of January, 2020.

/s/ Mary E. Wells
Counsel for Petitioner

Attachment A

IN THE SUPERIOR COURT OF BUTTS COUNTY
STATE OF GEORGIA

DONNIE CLEVELAND LANCE)
Petitioner,) Habeas Corpus
)
Case No. 19-HC-23
v.)
) CAPITAL CASE
)
BENJAMIN FORD, Warden)
Georgia Diagnostic Prison,)
Respondent.)

)

ORDER

Upon Petitioner's Motion and for good cause shown, Petitioner's request to proceed *in forma pauperis* is hereby GRANTED. The clerk shall permit Petitioner to proceed in the above-captioned action without prepayment of fees, costs, or expenses.



JUDGE THOMAS H. WILSON
SUPERIOR COURT OF BUTTS COUNTY

Filed 12/20/19 at 11:00 M.
THOMAS H. WILSON
Clerk, Butts Superior Court

Attachment B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

DONNIE CLEVELAND LANCE,	:
	:
Petitioner,	:
	:
v.	:
	CIVIL ACTION NO.
	2:10-CV-0143-RWS
WARDEN WILLIAM TERRY,	:
Georgia Diagnostic Prison,	:
	:
Defendant.	:

ORDER

This case is before the Court for consideration of Petitioner's Motion for Leave to Proceed *in Forma Pauperis* [3]. Having reviewed the Motion and supporting affidavit, the Court finds that Petitioner has insufficient funds to pay a filing fee. It is therefore ORDERED that Petitioner's Motion for Leave to Proceed *in Forma Pauperis* [3] be GRANTED.

SO ORDERED, this 16th day of August, 2010.


RICHARD W. STORY
United States District Judge

FILED IN CLERK'S OFFICE
U.S.D.C. -Gainesville

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

MAY 12 2011

JAMES N. HATTEN, Clerk
By *Wicki Danner* Deputy Clerk

DONNIE CLEVELAND LANCE,)
Petitioner,)
v.) Civil Action No. 2:10-CV-0143-RWS
CARL HUMPHREY, Warden,) **UNDER SEAL**
Georgia Diagnostic Prison,)
Respondent.)

)

ORDER FOR APPOINTMENT OF COUNSEL
UNDER THE CRIMINAL JUSTICE ACT AND THE ANTI-DRUG
ABUSE ACT OF 1988 AND BRIEF IN SUPPORT

This matter comes before the Court on the petitioner's motion for appointment of counsel. Having been fully apprised of the grounds, the Court grants the motion.

It is ORDERED and ADJUDGED that Mary Elizabeth Wells be appointed as counsel for Mr. Lance in the above-captioned matter and that Ms. Wells be compensated at a rate of \$ 178 per hour.

SO ORDERED this 11 day of May, 2011.

Richard Story
THE HONORABLE RICHARD STORY

Prepared by:
M. Elizabeth Wells
Georgia Bar No. 747852