

19-7550

CASE NO.

Supreme Court, U.S.

FILED

JAN 22 2020

OFFICE OF THE CLERK

In the Supreme Court of the United States

ALEXANDER GUICE – PETITIONER,

VS.

PAMELA LEE – RESPONDENT.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rule 39, U.S. Supreme Court Rules of Procedure, Petitioner asks leave to file the attached petition for a writ of prohibition or mandamus without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in this matter before the Family Court of the Fifteenth Judicial Circuit, in and for Horry County, Conway, South Carolina and before the South Carolina Supreme Court. True copies of the Order(s) granting leave to proceed *in forma pauperis* before the Courts below in this matter are appended hereto as "Q" and "R" accordingly.

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

Date: 1-29-2020



Alexander Guice

ORIGINAL

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

I, ALEXANDER GUICE, 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.

| <b>Income source</b>   | <b>Average monthly amount during the past 12 months</b> |                      | <b>Amount expected next month</b> |                      |
|--|---|----------------------|-----------------------------------|----------------------|
|  | <b>You</b>  | <b>Spouse</b>        | <b>You</b>                        | <b>Spouse</b>        |
| Employment   | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Self-employment  | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Income from real property (such as rental income)                    | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Interest and dividends   | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Gifts  | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Alimony  | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Child Support  | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Disability (such as social security, insurance payments)             | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Unemployment payments  | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Public-assistance (such as welfare)                                  | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| Other (specify): <u>N/A</u>  | \$ <u>0</u>   | \$ <u>N/A</u>        | \$ <u>0</u>                       | \$ <u>N/A</u>        |
| <b>Total monthly income:</b>   | <b>\$ <u>0</u></b>                                      | <b>\$ <u>N/A</u></b> | <b>\$ <u>0</u></b>                | <b>\$ <u>N/A</u></b> |

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

| <b>Employer</b>                   | <b>Address</b> | <b>Dates of Employment</b> | <b>Gross monthly pay</b> |
|-----------------------------------|----------------|----------------------------|--------------------------|
| N/A - Last Employed on 11/02/2005 |                |                            | \$                       |
|                                   |                |                            | \$                       |
|                                   |                |                            | \$                       |

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.)

| <b>Employer</b> | <b>Address</b> | <b>Dates of Employment</b> | <b>Gross monthly pay</b> |
|-----------------|----------------|----------------------------|--------------------------|
| N/A             |                |                            | \$                       |
|                 |                |                            | \$                       |
|                 |                |                            | \$                       |

4. How much cash do you and your spouse have? \$\_\_\_\_\_  
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| <b>Type of account (e.g., checking or savings)</b> | <b>Amount you have</b> | <b>Amount your spouse has</b> |
|--|------------------------|-------------------------------|
| Checking   | \$ 35.15               | \$ N/A                        |
| Savings  | \$ 25.47               | \$ N/A                        |
|  | \$                     | \$ N/A                        |

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

|   |   |
|---|---|
| <input type="checkbox"/> Home Value _____   | <input type="checkbox"/> Other real estate Value _____                                    |
| <input checked="" type="checkbox"/> Motor Vehicle #1<br>Year, make & model <u>2017 Chevy Impala</u><br>Value <u>\$15,479.00</u> | <input type="checkbox"/> Motor Vehicle #2<br>Year, make & model <u>N/A</u><br>Value _____ |
| <input type="checkbox"/> Other assets<br>Description <u>N/A</u><br>Value _____  |   |

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| <b>Person owing you or your spouse money</b> | <b>Amount owed to you</b> | <b>Amount owed to your spouse</b> |
|--|---------------------------|-----------------------------------|
| N/A  | \$ 0                      | \$ N/A                            |
| N/A  | \$ 0                      | \$ N/A                            |
| N/A  | \$ 0                      | \$ N/A                            |

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").

| <b>Name</b> | <b>Relationship</b> | <b>Age</b> |
|-------------|---------------------|------------|
| N/A         | N/A                 | N/A        |
|             |                     |            |
|             |                     |            |
|             |                     |            |

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.

|   | <b>You</b> | <b>Your spouse</b> |
|---|------------|--------------------|
| Rent or home-mortgage payment<br>(include lot rented for mobile home)                               | \$ 588.00  | \$ N/A             |
| Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |            |                    |
| Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |            |                    |
| Utilities (electricity, heating fuel,<br>water, sewer, and telephone)                               | \$ 205.00  | \$ N/A             |
| Home maintenance (repairs and upkeep)   | \$ 100.00  | \$ N/A             |
| Food  | \$ 400.00  | \$ N/A             |
| Clothing  | \$ 200.00  | \$ N/A             |
| Laundry and dry-cleaning  | \$ 100.00  | \$ N/A             |
| Medical and dental expenses   | \$ 0       | \$ N/A             |

|   | <b>You</b>         | <b>Your spouse</b> |
|---|--------------------|--------------------|
| Transportation (not including motor vehicle payments)                                       | \$ 0               | \$ N/A             |
| Recreation, entertainment, newspapers, magazines, etc.                                      | \$ 300.00          | \$ N/A             |
| Insurance (not deducted from wages or included in mortgage payments)                        |                    |                    |
| Homeowner's or renter's   | \$ 0               | \$ N/A             |
| Life  | \$ 0               | \$ N/A             |
| Health  | \$ 0               | \$ N/A             |
| Motor Vehicle   | \$ 90.00           | \$ N/A             |
| Other: <u>N/A</u>   | \$ 0               | \$ N/A             |
| Taxes (not deducted from wages or included in mortgage payments)                            |                    |                    |
| (specify): <u>N/A</u>   | \$ 0               | \$ N/A             |
| Installment payments  |                    |                    |
| Motor Vehicle   | \$ 0               | \$ N/A             |
| Credit card(s)  | \$ 600.00          | \$ N/A             |
| Department store(s)   | \$ 200.00          | \$ N/A             |
| Other: <u>One Main (Personal Loan)</u>  | \$ 235.00          | \$ N/A             |
| Alimony, maintenance, and support paid to others  | \$ 162.00          | \$ N/A             |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) |                    |                    |
| \$ 0  | \$ N/A             | \$ N/A             |
| Other (specify): <u>N/A</u>   | \$ 0               | \$ N/A             |
| <b>Total monthly expenses:</b>  | <b>\$ 3,180.00</b> | <b>\$ N/A</b>      |

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? \_\_\_\_\_

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.

Petitioner receives approximately \$3,106.00 in monthly U.S. Department of Veterans Affairs ("VA") Disability Compensation Benefits, which is not income. A true copy of an official VA Letter verifying Petitioner's Veteran Status and monthly award is appended. Further, Petitioner's 2017 Chevy Impala was paid solely with Petitioner's VA Disability Compensation Benefits.

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

Executed on: 1 - 29, 2020



(Signature)