

CAPITAL CASE
EXECUTION SCHEDULED FOR FEBRUARY 20, 2020, AT 7:00 P.M., CST

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

NICHOLAS TODD SUTTON,

Petitioner,

v.

STATE OF TENNESSEE,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS OF TENNESSEE

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

STEPHEN M. KISSINGER
Asst. Federal Community Defender
800 S. Gay Street, Suite 2400
Knoxville, TN 37929
Phone: (865) 637-7979
Fax: (865) 637-7999
Stephen_Kissinger@fd.org
Counsel of Record

Petitioner Nicholas T. Sutton requests leave to file the attached original petition for writ of habeas corpus without prepayment of costs and to proceed *in forma pauperis* pursuant to Supreme Court Rule 39.

Petitioner Sutton has previously been granted leave to proceed *in forma pauperis* in the United States District Court in *Sutton v. Parker*, No. 3-19-cv-0005, and continued to proceed *in forma pauperis* on appeal. Further, Petitioner was found to be indigent and permitted to proceed *in forma pauperis* by the Tennessee state courts. Petitioner Sutton's counsel was appointed by the United States District Court for the Eastern District of Tennessee pursuant to 21 U.S.C. § 848(q)(4)(B) (2006), presently codified at 18 U.S.C. § 3599.

Dated: February 18, 2020

Respectfully submitted,



Stephen M. Kissinger
Asst. Federal Community Defender
Federal Defender Services
of Eastern Tennessee, Inc.
800 South Gay Street, Suite 2400
Knoxville, TN 37929
Phone: (865) 637-7979
Fax: (865) 637-7999
Stephen_Kissinger@fd.org

Counsel of Record for Petitioner Sutton