

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FREDDY GARCIA
Petitioner

v.

THE STATE OF TEXAS
Respondent

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*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the current proceeding by the 174th District Court of Harris County Texas. That court also appointed the Harris County Public Defender's Office to represent him on appeal. *See* attached copy of the order of appointment of counsel in the court below. The office continues to represent Mr. Garcia on the accompanying petition for a writ of certiorari.

Respectfully submitted,

ALEXANDER BUNIN
Chief Public Defender
Harris County Texas

CHERI LYNN DUNCAN
Assistant Public Defender
Harris County Texas
Texas Bar No. 06210500
1201 Franklin Street, 13th Floor
Houston Texas 77002
Phone: (713) 274-67180
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cheri.duncan@pdo.hctx.net

PAUPER'S OATH ON APPEAL

CAUSE NO.: 480020

OFFENSE: AGS SAX ASSAULT AND

THE STATE OF TEXAS

174th DISTRICT COURT

VS.

OF

Rodney Garcia

HARRIS COUNTY, TEXAS

FILED

Chris Daniel
District Clerk

MAR 03 2016

Time: Harris County, Texas
By Deputy

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Rodney Garcia, defendant in the above styled and numbered cause, and states under oath that he is without funds, property or income. The defendant respectfully petitions the court to: (check all that apply)

Appoint appellate counsel to represent him.
 Asks the court to order that a free record be provided to him.

X Rodney Garcia
DEFENDANT

SUBSCRIBED AND SWORN to before me, this 3 day of March A.D., 20 16.

T. M. Lyon
DEPUTY DISTRICT CLERK
174th DISTRICT COURT
HARRIS COUNTY, TEXAS

ORDER

On March 3, 2016 the court conducted a hearing and found that the defendant is indigent.

The court orders that HCPD/Dave Schindler is appointed to represent defendant/appellant on appeal.
 The court reporter is ordered to prepare and file the reporter's record without charge to the defendant/appellant.

It is further ordered that the clerk of this court mail a copy of the order to the court reporter: _____, by certified mail return receipt requested.

JUDGE PRESIDING
174th DISTRICT COURT
HARRIS COUNTY, TEXAS

AFFIRMATION

I, DAVIE SCHINDLER, Attorney at Law, swear or affirm that I will be solely responsible for writing a brief and representing the appellant on appeal. If I am not able to perform my duties as appellate counsel, I will notify the court immediately so that the court may take the appropriate action as deemed necessary.

MAT

ATTORNEY (SIGNATURE)

ADDRESS

713 2746717

PHONE

daovic.schindler@pdo.hctx.net

EMAIL ADDRESS

SWORN TO AND SUBSCRIBED BEFORE ME ON 3/3/2016

T. M. Lyon
DEPUTY DISTRICT CLERK (SIGNATURE)
DISTRICT CLERK

82996