

19-7816
No. _____

Supreme Court, U.S.
FILED

FEB 10 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

TERRY GAY — PETITIONER
(Your Name)

VS.

THE STATE OF COLORADO — RESPONDENT(S)

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):

All state courts, U.S. Dist. Court of Colorado.

☐ 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.

ORIGINAL

(Signature)

RECEIVED

FEB 12 2020

OFFICE OF THE CLERK
U.S. SUPREME COURT

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

I, Terry Gay, 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>18.00</u> | \$ <u>not married</u> | \$ <u>18.00</u> | \$ <u>not married</u> |
| Self-employment | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Income from real property (such as rental income) | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Interest and dividends | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Gifts | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Alimony | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Child Support | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Disability (such as social security, insurance payments) | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Unemployment payments | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Public-assistance (such as welfare) | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Other (specify): _____ | \$ <u>0</u> | \$ <u>not married</u> | \$ <u>0</u> | \$ <u>not married</u> |
| Total monthly income: | \$ <u>18.00</u> | \$ <u>not married</u> | \$ <u>18.00</u> | \$ <u>not married</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 |
|-------------------------|-----------------|---------------------|-------------------|
| incarcerated since 2005 | Colorado D.O.C. | 2005 - present | \$ 18.00 |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

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 |
|-------------|---------|---------------------|-------------------|
| not married | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

4. How much cash do you and your spouse have? \$ 8.37
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 |
|---|-----------------|------------------------|
| Inmate account | \$ 8.37 | \$ not married |
| _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |

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

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value _____

☐ Motor Vehicle #2
Year, make & model N/A
Value _____

☐ Other assets
Description N/A
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 |
|---------------------------------------|--------------------|----------------------------|
| None | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |

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 |
|-------|--------------|-------|
| None | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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) | \$ 0 | \$ not married |
| 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) | \$ 0 | \$ not married |
| Home maintenance (repairs and upkeep) | \$ 0 | \$ not married |
| Food | \$ 0 | \$ not married |
| Clothing | \$ 0 | \$ not married |
| Laundry and dry-cleaning | \$ 0 | \$ not married |
| Medical and dental expenses | \$ 0 | \$ not married |

| | You | Your spouse |
|--|-------------------|-------------------------|
| Transportation (not including motor vehicle payments) | 0 \$ _____ | not married \$ _____ |
| Recreation, entertainment, newspapers, magazines, etc. | 0 \$ _____ | not married \$ _____ |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | 0 \$ _____ | not married \$ _____ |
| Life | 0 \$ _____ | not married \$ _____ |
| Health | 0 \$ _____ | not married \$ _____ |
| Motor Vehicle | 0 \$ _____ | not married \$ _____ |
| Other: _____ | 0 \$ _____ | not married \$ _____ |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | 0 \$ _____ | not married \$ _____ |
| Installment payments | | |
| Motor Vehicle | 0 \$ _____ | not married \$ _____ |
| Credit card(s) | 0 \$ _____ | not married \$ _____ |
| Department store(s) | 0 \$ _____ | not married \$ _____ |
| Other: _____ | 0 \$ _____ | not married \$ _____ |
| Alimony, maintenance, and support paid to others | 0 \$ _____ | not married \$ _____ |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | 0 \$ _____ | not married \$ _____ |
| Other (specify): <u>postage/copies/hygiene</u> | 18.00 \$ _____ | not married \$ _____ |
| Total monthly expenses: | 18.00 \$ _____ | not married \$ _____ |

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:

N/A

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:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Am an indigent pro-se prisoner litigant, who spends \$18.00 a month state pay on postage, copies, etc., associated with challenging by conviction, plus hygiene items that are necessary to survive.

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

Executed on: 2-5, 2020


(Signature)