

19-8301  
No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

STEPHEN J. MOCCO – PETITIONER

FEB 14 2011

VS.

DAVID SHINN, ET AL. – RESPONDENTS

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):

Petitioner was found to be indigent at initial appearance in *State v. Mocco*, Cochise County Superior Court Number CR 2003-00529, and Cochise County Deputy Public Defender Donna Beumler was appointed as trial counsel, which was continued by the Arizona Court of Appeals on direct appeal in *State v. Mocco*, 2 CA-CR 2004-0295, when Harriette P. Levitt was assigned as counsel of record on direct appeal; Petitioner was granted indigent status on collateral review in *State v. Mocco*, Cochise County Superior Court Number 2003-00529, and Joy Bertrand was appointed as counsel of record. Indigent status was continued by the Arizona Supreme Court on both direct and collateral review, Mocco being represented by Harriette P. Levitt and Joy Bertrand, respectively.

Petitioner has not been previously been granted leave to proceed in forma pauperis in any other court.

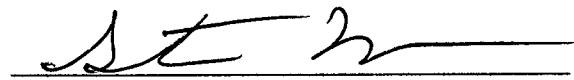
Petitioner's affidavit or declaration in support of this motion is attached hereto.

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.



Stephen J. Mocco

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

I, Stephen J. Mocco, 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>72.00</u>	<u>N/A</u>	<u>72.00</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	\$ <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>0</u>	<u>N/A</u>	<u>0</u>	<u>N/A</u>
<b>Total monthly income</b>	<b>\$ <u>72.00</u></b>	<b><u>N/A</u></b>	<b><u>72.00</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>
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Az. Dept. of Corr. \_\_\_\_\_ \$ 72.00

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.)

<b>Employer</b>	<b>Address</b>	<b>Dates of Employment</b>	<b>Gross monthly pay</b>
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N/A \_\_\_\_\_

4. How much cash do you and your spouse have? \$ 0  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

**Financial Institution Type of account Amount you have Amount your spouse has**

Ariz. Dept. of Corr. Inmate \$ 5.00 N/A

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.

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

7. State the persons who rely on you or your spouse for support.

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
<u>N/A</u>	<u>                  </u>	<u>                  </u>

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 (including lot rented for mobile home)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Are real estate taxes collected? [ <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)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Home maintenance (repairs and	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Food	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Clothing	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Laundry and dry cleaning	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Medical and dental expenses	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Transportation (not including motor vehicle payments)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Recreation, entertainment, newspapers, magazines, etc.)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Insurance (not deducted from wages or included in mortgage payments)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Homeowner's or renter's	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Life	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Health	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Motor Vehicle	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Other: _____	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>

	<b>You</b>	<b>Your Spouse</b>
Taxes (not deducted from wages or included in mortgage payments)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Installment payments		
Motor Vehicle	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Credit card(s)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Department store(s)	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Other: _____	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Alimony, maintenance, and support paid to others	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Regular expenses for operation of business, profession, or farm	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Other (specify): _____	\$ <u>      N/A      </u>	\$ <u>      N/A      </u>
Total monthly expenses:	\$ <u>    70.00    </u>	\$ <u>      N/A      </u>

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

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

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

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

I am currently incarcerated within the Arizona Department of Corrections serving a life sentence and have no immediate form of support other than my prison job.

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

Executed on March 25, 2020.



Stephen J. Mocco

Original to Court this same date.



Stephen J. Mocco

### NOTARIZATION

I, Stephen J. Mocco, hereby swear (certify, verify or state) under penalty of perjury that the foregoing statements I have made are true, correct and accurate to the best of my knowledge and belief.

Executed on March 25, 2020.



Stephen J. Mocco

Executed on:

March 25<sup>th</sup>, 2020.



Notary Public

MY COMMISSION EXPIRES:

State of AZ  
County of Pinal

Subscribed and sworn before me this 25<sup>th</sup>  
day of March, 2020  
by Stephen J. Mocco



Notary Public

