

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LEMUEL WHITESIDE
PETITIONER,

v.

THE STATE OF ARKANSAS
RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF ARKANSAS

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS w/ PETITIONER'S DECLARATION

TO THE HONORABLE SUPREME COURT:

PETITIONER LEMUEL WHITESIDE, through his counsel, J. THOMAS SULLIVAN, respectfully moves for leave to proceed *in forma pauperis* in this Court. In support of this motion, counsel offers the following:

1. Petitioner was previously granted leave to proceed *in forma pauperis* by the Court in *Whiteside v. Arkansas*, 567 U.S. 950 (2012);

2. The Pulaski County Circuit Court granted Petitioner leave to appeal from its decision to the Arkansas Supreme Court in its order entered March 11, 2019. A copy of the order is appended to this Motion.

3. Petitioner's declaration in support this motion is appended to this motion. This filing corrects the earlier filing in this case, as directed by the Clerk.

Petitioner respectfully requests the Court grant him leave to proceed *in forma pauperis* in this action.

Respectfully submitted this 5th day of June, 2020.

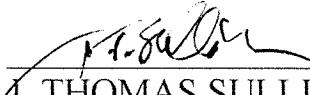


J. THOMAS SULLIVAN
MEMBER, BAR OF THE
SUPREME COURT
1122 W. CAPITOL
LITTLE ROCK, ARKANSAS 72201
501/376-6280
sullivanatty@gmail.com

ATTORNEY FOR THE PETITIONER,
LEMUEL WHITESIDE

CERTIFICATE OF SERVICE

I, J. Thomas Sullivan, hereby certify that a true and correct copy of the Petitioner's Motion for Leave to Proceed In Forma Pauperis, as corrected, has been served upon counsel for Respondent, Hon. David Eanes, Assistant Attorney General for the State of Arkansas by mailing same, first class postage paid, to his office address: Office of the Attorney General of Arkansas, 200 Catlett-Prien Tower Building, 323 Center Street, Little Rock, AR 72201, on June 5, 2020.



J. THOMAS SULLIVAN

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SEVENTH DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

NO.60CR-09-1183

LEMUEL WHITESIDE

DEFENDANT

ORDER GRANTING DEFENDANT LEAVE TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Now on this _____ day of March, 2019, comes before this court the motion of Defendant Lemuel Whiteside, represented by J. Thomas Sullivan, Attorney at Law, proceeding *pro bono*, for leave to permit Defendant Whiteside to proceed *in forma pauperis* on appeal to the Arkansas Supreme Court. Based on the motion, the Court orders that Lemuel Whiteside is granted leave to proceed *in forma pauperis* in this cause.



CIRCUIT JUDGE

Prepared by:

J. Thomas Sullivan
Ark. Bar No. 2006019
1122 West Capitol Avenue
Little Rock, AR 72201
(501) 376-6277

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

I, James K. Whitedick, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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
			\$ 0

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
			\$ 0

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
	\$ 0	\$ 0

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

Home
 Value 0

Other real estate
 Value 0

Motor Vehicle #1
 Year, make & model 0
 Value _____

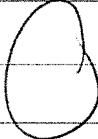
Motor Vehicle #2
 Year, make & model 0
 Value _____

Other assets
 Description 0
 Value _____

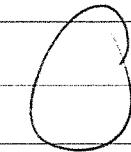
	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>8</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>0</u>

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

\$ 

\$ 

\$ 

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



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

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ 

\$ 

Are real estate taxes included? Yes No
Is property insurance included? Yes No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 

\$ 

Home maintenance (repairs and upkeep)

\$ 

\$ 

Food

\$ 

\$ 

Clothing

\$ 

\$ 

Laundry and dry-cleaning

\$ 

\$ 

Medical and dental expenses

\$ 

\$ 

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? 0

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? 0

If yes, state the person's name, address, and telephone number:

NA

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

I am an Indigent inmate

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

Executed on: 5/28/18, 2020

James/S. Whiteside
(Signature)