
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2020

JUSTIN SMITH and EFRAIN DIAZ, Jr., *Petitioners*

v.

COMMONWEALTH OF KENTUCKY, *Respondent*

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioners, Justin Smith and Efrain Diaz, ask leave to file the attached Petition for a Writ of Certiorari to the United States Supreme Court without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. As basis for this motion, Petitioners state that they have been declared indigent and allowed to proceed in forma pauperis since the beginning of this action, from district court appointment of counsel to representation before the Kentucky Supreme Court. The orders declaring the Petitioners to be indigent are attached.

WHEREFORE, for the foregoing reasons, Petitioners respectfully request that they be permitted to proceed in this action *in forma pauperis*.

Respectfully Submitted,



Timothy G. Arnold, Director
Post-Trial Division
Tim.arnold@ky.gov



Emily Holt Rhorer
Staff Attorney
emily.rhorer@ky.gov

Department of Public Advocacy
5 Mill Creek Park
Frankfort, KY 40601
(502) 564-8006
(502) 687-6769 (fax)

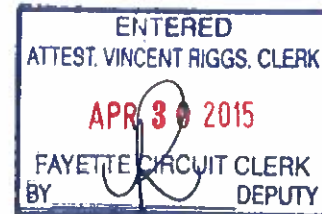
Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
KRS Chapter 31



FINANCIAL STATEMENT; AFFIDAVIT OF
INDIGENCY; REQUEST FOR COUNSEL; AND
ORDER (CRIMINAL CASES)

Case No. 15-F-923
Court DISTRICT
County Fayette

ORDER



Based upon the above attested statements, IT IS HEREBY ORDERED:

1. The Affiant, Afrain Diaz Jr.
☐ is NOT indigent pursuant to KRS Chapter 31 and the Request for Appointment of Counsel is DENIED.
☒ is indigent pursuant to KRS Chapter 31 and the Request for Appointment of Counsel is GRANTED. The Court appoints the Department of Public Advocacy to represent the Defendant in the above-styled case.
2. A partial fee for representation
☐ is NOT assessed.
☐ is assessed in the amount of \$ _____ to be paid in full no later than the _____ day of _____.
☐ may be reserved for a later date.

DATE: April 30, 2015

Megha G. S. Shankar
JUDGE

District/Circuit (Circle one) Division _____

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COMMONWEALTH OF KENTUCKY
COURT OF JUSTICE
www.kycourts.net
COMMONWEALTH OF KENTUCKY
COMMITMENT ORDER

Case No. 15-F-00925

Court DIST-BELL

County Fayette

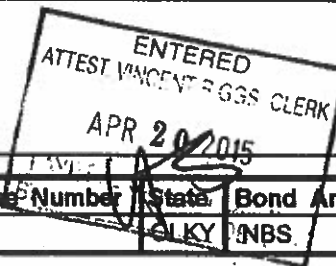
Commonwealth of Kentucky
Court of Justice www.kycourts.net

COMMONWEALTH OF KENTUCKY

V.

JUSTIN DELONE

SMITH



PLAINTIFF

DEFENDANT

Sex	Race	Date of Birth	Height	Weight	Operator License Number	State	Bond Amount	Type
	B		0	0		OLKY	NBS	

To the Jailer/Department of Corrections of LEXINGTON, Kentucky:

You are hereby commanded to receive the above-named Defendant who has been found guilty of the following:

1. MURDER 2. ROBBERY 1ST 3. TAMPER W/PHYS EVID 4. FLEE/EVADE 1ST DEG

and sentenced by order of this Court to:

Next Court Date: 5.7.15 0830(3)

Date

Signature of Judge or Clerk

Distribution: Transporting Officer Jail/Corrections Court File

NFA-NGP

DPA
Kim Green