

20-5176

NO. _____

ORIGINAL

Supreme Court, U.S.
FILED

JUL 10 2020

OFFICE OF THE CLERK

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

NICHOLAS HARRIS, Petitioner

vs.

CALIFORNIA, Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE CALIFORNIA COURT OF APPEAL,
SIXTH APPELLATE DISTRICT

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

SIXTH DISTRICT APPELLATE PROGRAM

WILLIAM M. ROBINSON
Assistant Director
State Bar #95951
95 S. Market Street, Suite 570
San Jose, CA 95113
(408) 241-6171
Email: bill@sdap.org

Counsel of Record for Petitioner
NICHOLAS HARRIS

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SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

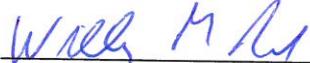
TO: THE HONORABLE CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT:

Pursuant to Rule 39 of the Rules of the Supreme Court of the United States, petitioner, Nicholas Harris, respectfully requests leave to file a petition for writ of certiorari in forma pauperis.

To show that petitioner was represented by appointed counsel in the court below, a declaration signed by counsel is appended, explaining the appointment process in California's Sixth Appellate District Court of Appeal, along with a copy of the notice of appeal showing that petitioner is indigent, and the order appointing the undersigned as counsel for petitioner.

Dated: July 10, 2020

Respectfully submitted,



WILLIAM M. ROBINSON
Attorney for Petitioner,
Nicholas Harris

DECLARATION OF WILLIAM M. ROBINSON

I am an attorney licensed to practice in California. I am a member of the bar of this Court. I am the attorney of record for petitioner Nicholas Harris.

The facts stated in this declaration are within my personal and firsthand knowledge. If called as a witness in this action, I could and would testify competently under oath to the following facts.

On or about November 20, 2017, a notice of appeal filed on behalf of petitioner was lodged in the California Court of Appeal, Sixth Appellate District, which indicated he was indigent. A copy of this notice is attached as Exhibit A. On December 14, 2017, the Court of Appeal appointed the undersigned, William M. Robinson, as counsel for petitioner. A copy of the Counsel Appointment Order is appended to this declaration as Exhibit B. I have remained petitioner's counsel of record to this time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of July, 2020, at San Jose California.



WILLIAM M. ROBINSON

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
MOLLY O'NEAL, #150944 MICHELLE VASQUEZ, # 220882 120 WEST MISSION STREET SAN JOSE, CA 95110		FILED SEP 14 2017 Clerk of the Court Superior Court of CA County of Santa Clara BY <i>S. Vasquez</i> DEPUTY
TELEPHONE NO.: (408) 299-7917 FAX NO.: (408) 998-8265 ATTORNEY FOR (Name): Nicolas Harris SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: NICOLAS HARRIS Date of birth: 04/27/1971 California Dept. of Corrections No. (if any): K53154		
NOTICE OF APPEAL—FELONY (DEFENDANT) (Pen. Code, §§ 1237, 1237.5, 1538.5(m); Cal. Rules of Court, rule 8.304)		CASE NUMBER(S): 190602

NOTICE

- You must file this form in the SUPERIOR COURT WITHIN 60 DAYS after the court rendered the judgment or made the order you are appealing.
- **IMPORTANT:** If your appeal challenges the validity of a guilty plea, a no-contest plea, or an admission of a probation violation, you must also complete the Request for Certificate of Probable Cause on page 2 of this form. (Pen. Code. § 1237.5)

1. Defendant appeals from a judgment rendered or an order made by the superior court.
NAME of defendant: NICOLAS HARRIS
DATE of the order or judgment: August 10, 2017

2. Complete either item a. or item b. Do not complete both.

a. If this appeal is after entry of a plea or no contest or an admission of a probation violation, check all that apply

- (1) This appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea. (Cal. Rules of Court, rule 8.304(b).)
- (2) This appeal is based on the denial of a motion to suppress evidence under Penal Code section 1538.5.
- (3) This appeal challenges the validity of the plea or admission. (You must complete the Request for Certificate of Probable Cause on page 2 of this form and submit it to the court for its signature.)
- (4) Other basis for this appeal (You must complete the Request for Certificate of Probable Cause on page 2 of this form and submit it to the court for its signature) (specify):

b. For all other appeals, check one:

- (1) This appeal is after a jury or court trial. (Pen. Code, § 1237(a).)
- (2) This appeal is after a contested violation of probation. (Pen. Code, § 1237(b).)
- (3) Other (specify): | Denial of petition for Resentencing pursuant to Penal Code § 1170.126

3. Defendant requests that the court appoint an attorney for this appeal. Defendant was was not represented by an appointed attorney in the superior court.

4. Defendant's mailing address is: same as in attorney box above.

as follows:

Date:

Michelle Vasquez

(TYPE OR PRINT NAME)

Michelle Vasquez
(SIGNATURE OF DEFENDANT OR ATTORNEY)

EXHIBIT B

Electronically RECEIVED on 12/14/2017 at 10:22:07 AM
SIXTH DISTRICT APPELLATE PROGRAM
95 S. Market Street, Suite 570
San Jose, CA 95113
(408) 241-6171

Electronically FILED on 12/14/2017 by S. Nasson, Deputy Clerk

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT**

The People) H045257
v.) SANTA CLARA
Nicolas Harris) Superior Court No. 190602

ORIGINAL

COUNSEL APPOINTMENT ORDER

Notice is hereby given that the SIXTH DISTRICT APPELLATE PROGRAM recommends the hereinafter named attorney for purposes of representing the above-named client.

William Robinson December 13, 2017

Respectfully submitted:


Dallas Sacher
Executive Director

Attorney's Address:

William Robinson (95951)
Assistant Director
Sixth District Appellate Program
95 S. Market Street, Suite 570
San Jose, Ca 95113
(408) 241-6171 ext 102
bill@sdap.org

Client's Address:

Nicolas Harris

S:WMR