

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSHUA JERMAINE NELSON,
Petitioner,
v.

THE STATE OF TEXAS,
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Joshua Jermaine Nelson, by and through his attorney, a member of the Bar of this Court, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been determined to be indigent and granted leave to proceed *in forma pauperis* in the following courts:

458TH Judicial District Court, Fort Bend County, Texas

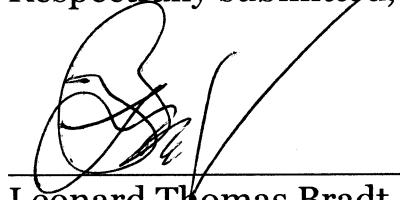
In addition, Petitioner was allowed to appeal the denial of his writ of habeas corpus without the payment of costs.

Petitioner's counsel is and has been representing him as appointed

counsel on the appeal of the denial of his writ of habeas corpus. Petitioner's counsel has not been paid any fees, or had any expenses reimbursed by Petitioner. Petitioner has not promised counsel any compensation for his work hereon. Any compensation that counsel ultimately receives will be upon conclusion of the case in the 458TH Judicial District Court and he will be paid according to the County's fee schedule for indigent work.

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

Respectfully submitted,



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Attorney for Petitioner,
Joshua Jermaine Nelson

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

I, Joshua Nelson, 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>18,124</u>	\$ <u>12,921</u>	\$ <u>1,784</u>	\$ <u>1,440</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>4104.00</u>	\$ <u>0</u>	\$ <u>342.00</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): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>18,124</u>	\$ <u>12,921</u>	\$ <u>1,784.00</u>	\$ <u>1,440.00</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
Arby's Pizza hut	9111 Fm 723 2035 Fm 359	02-00-2018-Current 05-18-2019-07 28 2019	\$ 1782.27 \$ 1031.80 \$

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
Richmond healthcare Dairy Queen	705 Jackson Street. 3707 S main st	07-31-2019 - Current 01-01-	\$ 1478.09 \$ \$

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
none	\$ 0	\$ 101.89
Wells Fargo	\$	\$
	\$	\$

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 2014 Hyundai Elantra GT
Value \$ 16,480.50

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

Other assets
Description _____
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
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
	\$ _____	\$ _____
	\$ _____	\$ _____

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
<u>H. N</u>	<u>Daughter</u>	<u>5</u>
<u>S. N</u>	<u>Daughter</u>	<u>3</u>
<u>J. N</u>	<u>Son</u>	<u>11</u>
<u>CS</u>	<u>Son</u>	<u>9</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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>0</u>
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)	\$ <u>100</u>	\$ <u>54</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>150</u>	\$ <u>150</u>
Clothing	\$ <u>175</u>	\$ <u>175</u>
Laundry and dry-cleaning	\$ <u>50</u>	\$ <u>50</u>
Medical and dental expenses	\$ <u>250</u>	\$ <u>250</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u> </u>	\$ <u> </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> </u>
Health	\$ <u>0</u>	\$ <u> </u>
Motor Vehicle	\$ <u>120</u>	\$ <u>120</u>
Other: <u>Car Insurance</u>	\$ <u>120</u>	\$ <u>120</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u> </u>	\$ <u> </u>
Installment payments		
Motor Vehicle	\$ <u>400</u>	\$ <u>400</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>BRACES</u>	\$ <u>0</u>	\$ <u>12/month</u>
Alimony, maintenance, and support paid to others	\$ <u> </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> </u>	\$ <u> </u>
Total monthly expenses:	\$ <u> </u>	\$ <u> </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 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:

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? _____

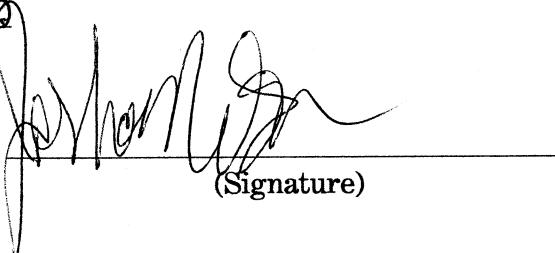
If yes, state the person's name, address, and telephone number:

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

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

Executed on: _____

5/25, 2020


(Signature)