

No. _____

IN THE
Supreme Court of the United States

MELQUAN TUCKER,

Petitioner,

v.

STATE OF NEW YORK,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to the provisions of Rule 39 of the Rules of this Court, petitioner Melquan Tucker moves to file the attached Petition for a Writ of Certiorari to the New York Supreme Court, Appellate Division, Fourth Judicial Department, without prepayment of costs and to proceed in forma pauperis.

The Petitioner was granted poor person relief in the Fourth Department and appointed counsel pursuant to N.Y. Criminal Procedure Law § 300.85 and 22 N.Y.C.R.R. 1000.3(c)(1). A copy of the assignment order is appended.

Dated: July 31, 2020



ERIN A. KULESUS

Counsel of Record

THE LEGAL AID BUREAU OF BUFFALO, INC.

APPEALS AND POST-CONVICTION UNIT

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Counsel for Petitioner

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

KA 18-00147

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MALQUAN TUCKER, DEFENDANT-APPELLANT.
Inmate # 139984 ERIE COUNTY HOLDING CENTER

Indictment No: 2016-1409

An order pursuant to CPL § 380.55 dated January 8, 2018, granting poor person relief to appeal from a judgment of the Supreme Court, Erie County, rendered January 8, 2018,

Now, upon this Court's own motion,

It is hereby ORDERED that the appeal herein may be prosecuted upon one record as defined by 22 NYCRR 1000.3 (c) (1) and ten copies of the appellant's brief, reproduced in accordance with 22 NYCRR 1000.4 (f), and

TIMOTHY P. MURPHY, ESQ.
LEGAL AID BUREAU OF BUFFALO
290 MAIN ST STE 350
BUFFALO NY 14202

is hereby assigned as counsel to conduct the appeal; and

It is further ORDERED that said record and briefs are to be filed and served within 120 days of the filing of the transcripts with the Erie County Clerk's Office; and

It is further ORDERED that the Clerk of Erie County is hereby directed to provide TIMOTHY P. MURPHY, ESQ. with copies of all papers and transcripts of stenographic or audiotaped minutes, if any, of the proceedings upon which the appeal is based.

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.

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I, MARK W. BENNETT, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original order, now on file in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Rochester, New York, this

FEB 09 2018

Mark W. Bennett

Clerk