

No. _____

In the
Supreme Court of the United States

MICHAEL BUCK

Petitioner,

v.

THE STATE OF TEXAS

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* by the 243rd District Court of El Paso County, Texas. Petitioner's affidavit or declaration is **not** attached because the trial court appointed counsel in the current proceeding and a copy of the order appointing is appended.

Respectfully submitted,

/s/ Nicholas Vitolo

Nicholas C. Vitolo

Counsel of Record

HARRIS COUNTY PUBLIC DEFENDER

1201 Franklin St., 13th Floor

Houston, Texas 77002

(713) 274-6966

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El Paso County - 243rd District Court

NORMA FAVELA BARCELEAU
District Clerk
El Paso County
20160D01234

IN THE IN THE 243RD JUDICIAL DISTRICT COURT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

VS.

MICHAEL J. BUCK

DOB: August 23, 1950
OFFENSE: AGG SEXUAL ASSLT; AGG SEXUAL ASSLT
BOND AMT:

Case No. 20160D01234

SO:
ARRESTED: 03/01/2016
WARRANT:

ORDER APPOINTING ATTORNEY

Dear, PUBLIC DEFENDER

YOU HAVE BEEN APPOINTED TO REPRESENT THE DEFENDANT IN THE ABOVE-STYLED AND NUMBERED CAUSE. THIS APPOINTMENT CONTINUES UNTIL CHARGES ARE DISMISSED, THE DEFENDANT IS ACQUITTED, APPEALS ARE EXHAUSTED TO THE 8TH COURT OF APPEALS, OR IN THE CASE OF A DEATH PENALTY CASE, COMPLETION OF THE DIRECT APPEAL TO THE COURT OF CRIMINAL APPEALS. THE ATTORNEY MAY BE RELIEVED OF THIS APPOINTMENT OR REPLACED BY OTHER COUNSEL ONLY AFTER A FINDING OF GOOD CAUSE IS ENTERED ON THE RECORD (ART. 26.04 (j) (2)). YOU ARE NOT RELIEVED OF THIS APPOINTMENT AND CANNOT BE RELIEVED OF THIS DUTY EVEN BY SUBSTITUTION WITHOUT A MOTION AND ORDER SIGNED BY THE COURT (SEE LOCAL RULE 5.03).

ATTACHED IS THE "ATTORNEY VERIFICATION" FORM WHICH MUST BE FILLED OUT, SIGNED BY DEFENDANT AND ATTORNEY AND RETURNED TO THE DEPARTMENT WHICH MADE THE APPOINTMENT:

BY FAX AT (546-2019) OR HAND-DELIVER/MAIL

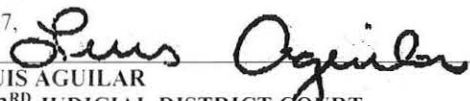
1. COUNCIL OF JUDGES ADM. 500 E. SAN ANTONIO #101, EL PASO TX 79901 (FAX NUMBER 546-2019)
2. THE OFFICE OF COURT ADMINISTRATION, 500 E. SAN ANTONIO #302, EL PASO, TEXAS 79901 (FAX NUMBER 526-2192)
3. THE TRIAL COURT

BY THE END OF THE FIRST WORKING DAY FOLLOWING RECEIPT OF THE APPOINTMENT NOTIFICATION.

A TRIAL COURT MAY REPLACE AN ATTORNEY WHO FAILS TO CONTACT THE DEFENDANT NOT LATER THAN THE END OF THE FIRST WORKING DAY AFTER THE DATE ON WHICH THE ATTORNEY IS APPOINTED AND TO INTERVIEW THE DEFENDANT AS SOON AS PRACTICABLE AFTER THE ATTORNEY IS APPOINTED. A MAJORITY OF THE JUDGES (TRYING CRIMINAL CASES) MAY REMOVE AN ATTORNEY WHO INTENTIONALLY OR REPEATEDLY VIOLATES CCP ARTICLE 26.04 (j)(1) FROM THE APPOINTMENT WHEEL. CCP ART. 26.04 (k)

IF THE DEFENDANT IS IN CUSTODY IN THE EL PASO COUNTY DETENTION FACILITY OR THE ANNEX, YOU SHALL MAKE EVERY REASONABLE EFFORT TO CONTACT THE DEFENDANT NOT LATER THAN THE END OF THE FIRST WORKING DAY AFTER THE DATE ON WHICH YOU ARE APPOINTED AND TO INTERVIEW THE DEFENDANT AS SOON AS PRACTICABLE AFTER YOU ARE APPOINTED. WHEN THE CASE IS DISPOSED OR THE DEFENDANT FAILS TO SHOW UP TO COURT, PLEASE FILE THE VOUCHER WITH THE TRIAL COURT WITHIN 45 DAYS. YOU MAY USE ADDITIONAL SHEETS IF NECESSARY. INVESTIGATION AND CERTAIN OTHER EXPENSES MUST HAVE PRIOR COURT APPROVAL. SEE ATTORNEY REIMBURSEMENT GUIDELINES.

SIGNED ON THIS THE 25TH DAY OF MAY, 2017,


LUIS AGUILAR
243RD JUDICIAL DISTRICT COURT

FACILITY: Annex Cell: I
BONDING COMPANY:

PUBLIC DEFENDER
500 E SAN ANTONIO #501
EL PASO TX 79901
915-546-8186