

No. \_\_\_\_\_

**In the**

**Supreme Court of the United States**

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CARLOS MICHAEL LOPEZ

*Petitioner,*

v.

THE STATE OF TEXAS

*Respondent.*

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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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 262<sup>nd</sup> District Court of Harris 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., 13<sup>th</sup> Floor

Houston, Texas 77002

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1564443 PAUPER'S OATH ON APPEAL  
CAUSE NO.: 1564444 OFFENSE: Agg Asslt - P/B servant  
THE STATE OF TEXAS 262 DISTRICT COURT  
VS. OF  
Lopez, Carlos M. HARRIS COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Carlos M. Lopez, defendant in the above styled and numbered cause, and states under oath that he is without funds, property or income. The defendant respectfully petitions the court to: (check all that apply)

- ☒ Appoint appellate counsel to represent him.  
☒ Asks the court to order that a free record be provided to him.

FILED  
Marilyn Burgess  
District Clerk

MAY - 7 2019

Time: \_\_\_\_\_  
Harris County, Texas

By Carlos Lopez Deputy  
DEFENDANT

SUBSCRIBED AND SWORN to before me, this 7 day of May A.D., 20 19.

DEPUTY DISTRICT CLERK  
262 DISTRICT COURT  
HARRIS COUNTY, TEXAS

### ORDER

On 5-7-19 the court conducted a hearing and found that the defendant is indigent.

- ☒ The court orders that Scott C. Pope / HC PDO is appointed to represent defendant/appellant on appeal.  
☒ The court reporter is ordered to prepare and file the reporter's record without charge to the defendant/appellant.

It is further ordered that the clerk of this court mail a copy of the order to the court reporter: Mattie Kiable, by certified mail return receipt requested.

JUDGE PRESIDING  
262 DISTRICT COURT  
HARRIS COUNTY, TEXAS

### AFFIRMATION

I, Scott C. Pope / HC PDO, Attorney at Law, swear or affirm that I will be solely responsible for writing a brief and representing the appellant on appeal. If I am not able to perform my duties as appellate counsel, I will notify the court immediately so that the court may take the appropriate action as deemed necessary.

ATTORNEY (SIGNATURE)

BAR/SPN NUMBER

ADDRESS

PHONE

EMAIL ADDRESS

CITY

STATE

ZIP

FAX NUMBER

SWORN TO AND SUBSCRIBED BEFORE ME ON 7 May 19

DEPUTY DISTRICT CLERK (SIGNATURE)

DISTRICT CLERK

RECORDER'S MEMORANDUM  
This instrument is of poor quality  
at the time of imaging