

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER 2020 TERM

SCOTTY RAY GARDNER

PETITIONER

VS.

NO. _____

STATE OF ARKANSAS

RESPONDENT

MOTION TO PROCEED IN FORMA PAUPERIS

Scotty Ray Gardner, by and through his attorney, Teri L. Chambers, for his Motion to Proceed In Forma Pauperis, states:

1. Mr. Gardner desires to petition this Court for a writ of certiorari to review the judgment of the Arkansas Supreme Court affirming his conviction and sentence of death.

2. Mr. Gardner is indigent. He was represented at trial and on direct appeal by appointed counsel, and is currently under a sentence of death. He is financially unable to retain counsel to pursue the petition in the Court.

3. Mr. Gardner's affidavit to proceed in forma pauperis is attached.

WHEREFORE, Mr. Gardner prays that he be permitted to proceed in forma pauperis.

SCOTTY RAY GARDNER

/s/ Teri L. Chambers

Teri L. Chambers
Arkansas Public Defender Commission
101 East Capitol Avenue, Suite 201
Little Rock, AR 72201
(501) 682-9070
(501) 682-9073 (facsimile)
teri.chambers@arkansas.gov

ATTORNEY FOR PETITIONER,
Scotty Ray Gardner

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

I, SCOTTIE RAY GARDNER, 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	\$ 0	\$ <u>N/A</u>	\$ 0	\$ <u>N/A</u>
Self-employment	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Income from real property (such as rental income)	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Interest and dividends	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Gifts	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Alimony	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Child Support	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Unemployment payments	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Public-assistance (such as welfare)	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Other (specify): _____	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </u>
Total monthly income:	\$ 0	\$ <u> </u>	\$ 0	\$ <u> </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
<i>None - Incarcerated</i>			\$ _____
			\$ _____
			\$ _____

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
<i>n/a</i>			\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ *0*
 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
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. *None*

Home
 Value _____

Other real estate
 Value _____

Motor Vehicle #1
 Year, make & model _____
 Value _____

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
<i>n/a</i>	\$ 0	\$ <i>n/a</i>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
<i>n/a</i>	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ 0	\$ <i>n/a</i>
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)	\$ 0	\$ _____
Home maintenance (repairs and upkeep)	\$ 0	\$ _____
Food	\$ 0	\$ _____
Clothing	\$ 0	\$ _____
Laundry and dry-cleaning	\$ 0	\$ _____
Medical and dental expenses	\$ 0	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 5	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$	\$
Life	\$	\$
Health	\$	\$
Motor Vehicle	\$	\$
Other: _____	\$	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$	\$
Installment payments		
Motor Vehicle	\$	\$
Credit card(s)	\$	\$
Department store(s)	\$	\$
Other: _____	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify): _____	\$	\$
Total monthly expenses:	\$	\$

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 am incarcerated on death row.

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

Executed on: July 30th, 20 20

Scott Ray Gandy 5K985
(Signature) 7-30-2020