

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

**IN THE SUPREME COURT OF THE UNITED STATES**

**GARY RICHARDSON, PETITIONER,**

**versus**

**STATE OF COLORADO, 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 a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following courts: Colorado Court of Appeals and Colorado Supreme Court. Order re: Appointment of Counsel on Appeal dated NOVEMBER 30, 2015 is attached.

Attorney for Petitioner:



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NICOLE M. MOONEY  
Bar No. 302572  
MS&M Law Office  
PO Box 3089  
Denver, CO 80201  
(303) 952-0398

DISTRICT COURT, ADAMS COUNTY, COLORADO  
Court Address:  
1100 Judicial Center Drive, Brighton, CO, 80601

The People of the State of Colorado  
v.  
GARY VAL RICHARDSON

DATE FILED: November 30, 2015 9:25 AM

△ COURT USE ONLY △

Case Number: 2013CR3497  
Division: F Courtroom:

**Order: Motion to Appoint Public Defender on Appeal**

The motion/proposed order attached hereto: GRANTED.

Issue Date: 11/30/2015



THOMAS RICHARD ENSOR  
District Court Judge

000336

District Court, ADAMS County, Colorado	
Court Address: 1100 Judicial Center Drive, Brighton, CO 80601	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff	
v.	
GARY RICHARDSON, Defendant	▲COURT USE ONLY▲
Douglas K. Wilson, Colorado State Public Defender SCOTT EVANS, No. 20795 Deputy Public Defender Brighton Regional Public Defenders 4710 East Bromley Lane, Brighton CO 80601 Phone: (303) 659-4274 Fax: (303) 659-6935 E-mail: <a href="mailto:brighton.defenders@state.co.us">brighton.defenders@state.co.us</a>	Case No. 13CR3497 Division F
<b>MOTION TO APPOINT THE PUBLIC DEFENDER ON APPEAL</b>	

Mr. Richardson moves to appoint the Public Defender to represent him on appeal in this case. In support, it is stated:

1. Mr. Richardson was charged in this case, which proceeded to a trial that resulted in his conviction. He was sentenced to the Department of Corrections.
2. Mr. Richardson was represented by private counsel at trial. Private counsel filed a Notice of Appeal on Mr. Richardson's behalf.
3. Private counsel filed a motion with this Court for Mr. Richardson to proceed *in forma pauperis*, indicating that he is incarcerated and is indigent. This Court granted that motion on August 19, 2015.
4. Private counsel filed a motion with the Court of Appeals asking the Court to appoint the Public Defender in 15CA526. Private counsel indicated that while they might represent him *pro bono*, they cannot afford to absorb the loss of paying the costs for the transcripts, which are over \$2,000.
5. The Court of Appeals, in its order of October 2, 2015, denied private counsel's motion to withdraw, with leave to renew after providing documentation that Mr. Richardson has been advised under C.A.R. 5.
6. That order also denies their motion to appoint the Public Defender, "with leave to renew **after such motion is first filed in, and rule on by the district court.**"

WHEREFORE, Mr. Richardson and the Office of the Public Defender move the District Court to appoint the Public Defender to represent him on appeal in this case.

DOUGLAS K. WILSON  
COLORADO STATE PUBLIC DEFENDER

/s/SCOTT EVANS, No. 20795

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SCOTT EVANS, No. 20795  
Deputy State Public Defender  
4710 East Bromley Lane  
Brighton, CO 80601  
(303) 659-4274

**Certificate of Service**

I hereby certify that on November 24, 2015, a true and correct copy of the foregoing document was served via ICCES on parties who appear on record and have entered their appearance herein according to ICCES. /s/ Scott Evans

Dated: November 24, 2015