

No. 20-5627

ORIGINAL

Supreme Court, U.S.
FILED

AUG 18 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

JUSTIN WOODARD, PRO-SE - PETITIONER

Vs.

NEW YORK STATE
COURT OF APPEALS, et al., - RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner asks leave to file the attached petition for a writ of Certiorari without payment of costs and to proceed in Forma Pauperis.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed in Forma Pauperis in the following court(s):

2nd Circuit Court of Appeals & Fourth Judicial Department.

☐ Petitioner has **not** previously been granted leave to proceed in forma pauperis in any court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and;

☒ The appointment was made under the following provision of law: 28 U.S.C.A. § 1915(A)(1)(2) - C.P.L.R. § 1101(F)(2), or

C.P.L.R. § 1102

☐ A copy of the order of appointment is appended.

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Justin Woodard, 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	\$ <u>0.00</u>	\$ <u>1700.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
SELF-EMPLOYMENT	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
INCOME FROM REAL PROPERTY (such as rental income)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
INTEREST AND DIVIDENDS	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
GIFTS	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
ALIMONY	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
CHILD SUPPORT	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
RETIREMENT(such as social Security, Pensions, Annuities, Insurance)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
DISABILITY(such as social security & Insurance payments)	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
UNEMPLOYMENT PAYMENTS	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
PUBLIC ASSISTANCE	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
OTHER: Prison Wages	\$ <u>30.00</u>	\$ <u>0.00</u>	\$ <u>30.00</u>	\$ <u>0.00</u>
TOTAL MONTHLY INCOME	\$ <u>30.00</u>	\$ <u>1700.00</u>	\$ <u>30.00</u>	\$ <u>1700.00</u>

2. List your employment history for the past two year's, most recent first. (Gross monthly pay is before taxes or other deductions.)

EMPLOYER	ADDRESS	DATES OF EMPLOYMENT	GROSS MONTHLY
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<u>Incarcerated</u>	\$30.00
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3. List your spouse's employment history for the past two year's, most recent employer first. (Gross monthly pay is before taxes or other deductions)

EMPLOYER	ADDRESS	DATES OF EMPLOYMENT	GROSS MONTHLY
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RETTET & SONS	11/17 TO PRESENT	\$2000.00
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4. How much cash do you and your spouse have? \$100.00
Below, state any money you or your spouse have in bank accounts or in
any other financial institutions.

TYPE OF ACCOUNT
(checking or
savings)

AMOUNT YOU HAVE

AMOUNT YOUR
SPOUSE HAS

CHECKING

0.00

\$100.00

SAVINGS

0.00

\$47.00

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

[] Home	
Value	N/A

[] Other Real Estate.
Value N/A

[X] Motor Vehicle #1 []
 Year, Make & Model 05' Honda Odyssey
 Value \$2500.00

[] Motor vehicle #2
y Year, Make & Model _____
 Value _____

[] Other Assets	
Description	Value

6. State every person, business, or organization owing you or your spouse, and the amount owed.

PERSON OWING YOU OR YOUR SPOUSE MONEY	AMOUNT OWED TO YOU	AMOUNT OWED TO YOUR SPOUSE
<u>N/A</u>	<u>0.00</u>	<u>0.00</u>

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
<u>J.W</u>	<u>SON</u>	<u>17</u>
<u>T.W</u>	<u>SON</u>	<u>14</u>
<u>J.J.W</u>	<u>SON</u>	<u>8</u>

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 rent for mobile home)	\$ <u>0.00</u>	\$ <u>795.00</u>
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)	\$ <u>0.00</u>	\$ <u>400.00</u>
Home Maintenance (repairs and upkeep)	\$ <u>0.00</u>	\$ <u>0.00</u>
Food	\$ <u>0.00</u>	\$ <u>150.00 aweek</u>
Clothing	\$ <u>0.00</u>	\$ <u>0.00</u>
Laundry and dry cleaning	\$ <u>0.00</u>	\$ <u>25.00</u>
Medical and dental expenses	\$ <u>0.00</u>	\$ <u>0.00</u>

	YOU	YOUR SPOUSE
Transportation (not including motor vehicle payments)	\$ <u>0.00</u>	\$ <u>0.00</u>
Recreation, entertainment, newspaper's, Magazines, etc	\$ <u>0.00</u>	\$ <u>80.00</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0.00</u>	\$ <u>0.00</u>
Life	\$ <u>0.00</u>	\$ <u>0.00</u>
Health	\$ <u>0.00</u>	\$ <u>0.00</u>
Motor Vehicle	\$ <u>0.00</u>	\$ <u>76.00 a month</u>
Other: <u>Storage</u>	\$ <u>0.00</u>	\$ <u>50.00 a month</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0.00</u>	\$ <u>0.00</u>
Installment Payments		
Motor Vehicle	\$ <u>0.00</u>	\$ <u>0.00</u>
Credit Card(s)	\$ <u>0.00</u>	\$ <u>0.00</u>
Department Store(s)	\$ <u>0.00</u>	\$ <u>0.00</u>
Other: _____	\$ <u>0.00</u>	\$ <u>0.00</u>
Alimony, Maintenance, and support paid to others	\$ <u>0.00</u>	\$ <u>0.00</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0.00</u>	\$ <u>0.00</u>
Other (specify): _____	\$ <u>0.00</u>	\$ <u>0.00</u>
TOTAL MONTHLY EXPENSES	\$ <u>0.00</u>	\$ <u>2001.00</u>

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 No.

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 & telephone Number.

12. Provide any other information that will help explain why you cannot pay the cost of this case

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

Executed on: 8/18/20, 2020


Signature