

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

IN THE

SUPREME COURT OF THE UNITED STATES

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JONATHAN LIMARY, PETITIONER

V.

STATE OF MAINE, RESPONDENT

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

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The petitioner, Jonathan Limary, asks leave to file the attached Petition for a Writ of Certiorari to the United States Supreme Court without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. The petitioner was found indigent by the Aroostook County Superior Court, Caribou, Maine, and counsel was appointed. *See* attached order. The Petitioner remained indigent through his appeal to the Maine Supreme Court on the matter now sought for review. Petitioner is currently incarcerated and otherwise financially unable to retain counsel or afford the cost of filing this petition. Undersigned counsel is representing Mr. Limary pro bono.

DATED this 31st day of August, 2020.

*/s/Hunter J. Tzovarras*

Hunter J. Tzovarras  
Counsel for Petitioner  
88 Hammond Street, Ste 321  
Bangor, Maine 04401  
(207)941-8443  
[hunter@bangorlegal.com](mailto:hunter@bangorlegal.com)

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion for Leave to Proceed in Forma Pauperis, has this date been sent by email and first class mail, postage prepaid, to counsel for the State as follows:

By e-mail to: [Robert.Ellis@maine.gov](mailto:Robert.Ellis@maine.gov)

By regular mail to: Robert J. Ellis, Jr. AAG  
OFFICE OF THE ATTORNEY GENERAL  
6 State House Station  
Augusta, ME 04333-0006

DATED this 31st day of August, 2020.

*/s/Hunter J. Tzovarras*

Hunter J. Tzovarras  
Counsel for Petitioner  
88 Hammond Street, Ste 321  
Bangor, Maine 04401  
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STATE OF MAINE/

vs.

JONATHAN LIMARY

Defendant/Juvenile

MOTION AND AFFIDAVIT FOR  
ASSIGNMENT OF COUNSEL

I am requesting the Court to assign an attorney at public expense, based on the following accurate information.

Name of person whose financial information appears on this affidavit: JONATHAN LIMARY

Single  Married  Divorced  Widowed

Mailing address (if PO Box, also list physical address): 358 Washburn St.  
CARBON ME 04736

Date of Birth: 8/15/83 Telephone number (working with voice mail) \_\_\_\_\_ Message number \_\_\_\_\_

I live  Alone. I live with  Spouse/Significant Other  Parents  Friends  other \_\_\_\_\_

I have: \_\_\_\_\_ children Age(s): \_\_\_\_\_  who live me  for whom I pay child support of \$ \_\_\_\_\_ per \_\_\_\_\_ I am current on my child support:  Yes  No

INCOME: Salary / Gross Income: \$ \_\_\_\_\_ per  Year  Month  Week or hourly wage \$ \_\_\_\_\_ and number of hours \_\_\_\_\_

I receive:  Social Security \$ \_\_\_\_\_  Unemployment \$ \_\_\_\_\_  TANF \$ \_\_\_\_\_

Alimony/ Child Support \$ \_\_\_\_\_  Food Stamps \$ \_\_\_\_\_  Maine Care/Housing/WIC \_\_\_\_\_

Employer: NEAR EAST PACKAGING how long have you worked here? \_\_\_\_\_

If unemployed, last date employed: \_\_\_\_\_ Place of employment: \_\_\_\_\_

Taxes: Last filed: \_\_\_\_\_  Refund paid to me \_\_\_\_\_  Refund taken by State of Maine \_\_\_\_\_

ASSETS: Cash bail posted (1<sup>st</sup> party) in this case or any other case \$ 5500

Cash on hand or at home \$ 0 Cash in the bank \$ 0 Money owed to you \$ \_\_\_\_\_

Name of bank/RCU: \_\_\_\_\_ Stocks/Bonds/401K/403B/Pensions: \_\_\_\_\_

Property worth more than \$250 (include property owned alone or with other people): Home and land \$ \_\_\_\_\_

Amount owed on property \$ \_\_\_\_\_

Vehicle(s) YR/Make Model \_\_\_\_\_ Amount Financed \$ \_\_\_\_\_

Recreational Vehicle(s)/ ATV/boat/snowmobile (YR/make /model): \_\_\_\_\_

Other (personal-TV/computer/electronics etc): \_\_\_\_\_

EXPENSES: (Monthly)

Mortgage/Rent	<u>FREE PANTRY</u>	Cable/Internet	<u>✓</u>	Loan (student)	<u>✓</u>	Atty. Fees	<u>✓</u>
Food	<u>FREE PANTRY</u>	Heat	<u>TNC</u>	Loan (personal)	<u>✓</u>	RX	<u>✓</u>
Cell Phone	<u>FREE PANTRY</u>	Car Insurance	<u>TNC</u>	Prop. Taxes	<u>✓</u>	Other	<u>✓</u>
Utilities	<u>TNC</u>	Credit Card	<u>✓</u>	Court fees/Fines	<u>✓</u>	Other	<u>✓</u>

Renter/home Owners insurance \_\_\_\_\_ Total Expenses: \$ \_\_\_\_\_

I acknowledge that disclosure of my Social Security account number is mandatory under 36 M.R.S. §5276-A. My Social Security account number may be used to facilitate the collection of money that I may owe the State of Maine as a result of having had an attorney assigned to represent me if it is later determined that I am to be responsible for all or part of the attorney fees and costs.

FAMILY REA  
WITH EXP.

**STATEMENT OF DISCLOSURE REQUIRED ON AFFIDAVIT FORM**

Net

The undersigned furnishes the above information to support the request for assignment of counsel. I have read the above form, I understand it, and the answers to the questions are true. I understand that any false answers on this form may subject me to criminal prosecution. I also understand that I have a continuing obligation, personally and through counsel, to report to the court any changes in my employment or other financial circumstances. I also understand that further investigation may be conducted to verify the information I have provided, and I agree, as a condition of my continued eligibility to be represented by assigned counsel, to cooperate with any such investigation, including providing documents or authorizations to release information requested by the court or by the Maine Commission on Indigent Legal Services.

Date: 9/18/18

I RECOMMEND  
INDIGENT

Financial Screener's Recommendation:  
CR-JV-032, Rev. 01/18

Subscribed and sworn to before me,

Atty!  
A. SWANSON

Signature of Applicant  
Jeffrey A. Mil  
Notary, Clerk, Attorney, Judge/Justice

STATE OF MAINE

Unified Criminal Docket  
 Superior Court  
 District Court

County: ARE  
Location: ADK  
Docket No: 18-40697

STATE OF MAINE/

Jonathan Limary  
Defendant/Respondent

**ORDER ON MOTION  
FOR COURT APPOINTED COUNSEL**

Defendant/Respondent is charged with a  Class A  Class B  Class C  Class D  Class E  
 JV offense  Probation Violation  Post-Conviction Review  Child Protection Petition

Based upon the information provided by the attorney for the State, Motion for Assignment of Counsel is DENIED because there is NO RISK OF JAIL on this Class D or Class E charge.

Based upon the information contained in defendant/respondent's financial affidavit, the Motion for Assignment of Counsel is DENIED because the Defendant is not indigent.

Based upon the information contained in defendant/respondent's financial affidavit, Motion for Assignment of Counsel is GRANTED. Attorney A. Swanson is appointed to represent defendant.

Based upon the information contained in defendant/respondent's financial affidavit, Motion for Assignment of Counsel is GRANTED. Attorney \_\_\_\_\_ is appointed to represent defendant. Defendant/respondent is found to be partially indigent, and is hereby ordered to pay towards attorney fees as follows:

\$ \_\_\_\_\_ per  week  month up to a total of \$ \_\_\_\_\_, starting \_\_\_\_\_.

Until this obligation is paid in full, Defendant/Respondent is ordered to notify the court Clerk's Office of any change of address, even if the case is otherwise complete. Failure to comply with this order to make payment may result (1) in the loss of your eligibility to be represented by assigned counsel, and (2) the suspension of your driver's license or other licenses you hold.

Any first-party bail may be applied to offset counsel fees.

Any State of Maine income tax refund is subject to garnishment to offset past due counsel fees.

The defendant/respondent is ordered to update their financial affidavit within 5 business days of any change of financial circumstances, including but not limited to, any change of employment status. This Order may be vacated if defendant fails to follow this Order, or if the Court determines that the information provided by defendant/respondent on their financial affidavit is inaccurate.

Date: 9/10/18

Attn. D. Miller  
Judge/Justice