

Case No. _____

In The

Supreme Court of the United States

DERRICK KENNEDY CRUMPTON,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

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

Barry J. McWhirter
McWhirter Law Firm, PLLC
80 Monroe Ave. Ste. L7
Memphis, TN 38103
(901) 522-9055

CJA Appointed Counsel for Derrick Kennedy Crumpton

COMES NOW Petitioner, Derrick Kennedy Crumpton, by and through undersigned counsel, and pursuant to Supreme Court Rule 39.1 and 18 U.S.C. § 3006A(d)(7), respectfully moves this Honorable Court for leave to proceed *in forma pauperis*, and for leave to file the attached Petition for Writ of Certiorari to the United State Court of Appeals for the Sixth Circuit without prepayment of fees. Petitioner was represented by appointed counsel under the Criminal Justice Act in the District Court for the Western District of Tennessee and in the Sixth Circuit Court of Appeals. A copy of the district court order appointing CJA counsel and a copy of the Sixth Circuit's order extending CJA counsel's appointment is attached hereto at **EXHIBIT A**. Leave to proceed in forma pauperis was never sought in any other court.

Respectfully Submitted,

MCWHIRTER LAW FIRM PLLC

BARRY J. McWHIRTER

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By: 
BARRY J. McWHIRTER, TN#021601

CJA Appointed Counsel for Derrick Kennedy Crumpton

DATED: October 5, 2020

EXHIBIT A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA,

vs

DERRICK KENNEDY CRUMPTON, Case No. **2:16-CR-20081-2-JTF-cgc**

**ORDER APPOINTING COUNSEL
PURSUANT TO THE CRIMINAL
JUSTICE ACT**

This Court has determined that the above-named defendant is financially unable to obtain adequate representation in the above-styled case, and is otherwise qualified for appointment of counsel. Accordingly, the Court makes the following appointment pursuant to the Criminal Justice Act (18 U.S.C. § 3006A):

Attorney Barry McWhirter, who is a member of the Criminal Justice Act Panel for the Western District of Tennessee, is appointed as counsel for the defendant.

DONE and ORDERED May 04, 2016.

s/ Diane K. Vescovo
UNITED STATES MAGISTRATE JUDGE

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: April 04, 2019

Mr. Barry J. McWhirter
Law Office
80 Monroe Avenue
Suite L7
Memphis, TN 38103

Re: Case No. 19-5325, *USA v. Derrick Crumpton*
Originating Case No. : 2:16-cr-20081-2

Dear Counsel,

This appeal has been docketed as case number **19-5325** with the caption that is enclosed on a separate page.

As defendant's trial counsel, your appointment under the Criminal Justice Act is extended automatically pursuant to Sixth Circuit Rule 12(c)(2). **This letter serves as your authorization to order any transcript which you deem necessary for the appeal.** Even if the defendant filed the notice of appeal, Sixth Circuit Rule 12(c)(1) requires that counsel continue representation on appeal until specifically relieved by this Court.

Before preparing any documents to be filed, counsel are strongly encouraged to read the Sixth Circuit Rules at www.ca6.uscourts.gov. If you have not established a PACER account and registered with this court as an ECF filer, you should do so immediately. Your password for district court filings will not work in the appellate ECF system.

At this stage of the appeal, the following forms should be downloaded from the web site and filed with the Clerk's office by **April 18, 2019**. Additionally, the transcript order must be completed by that date.

NOTE: Effective July 18, 2016, all attorneys must order transcript for appeal by using the CM/ECF docket entries. The transcript order form used prior to that date will not be accepted after July 18. For further information and instructions on ordering transcript electronically, please visit the court's website.

Appellant: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

Appellee: Appearance of Counsel
Application for Admission to 6th Circuit Bar (if applicable)

More specific instructions are printed on each form. If the filing fee for the appeal is due because the appellant is not indigent, it must be paid to the District Court by **April 18, 2019**. These deadlines are important -- if the initial forms are not timely filed or the filing fee is due but not paid, the appeal will be dismissed for want of prosecution.

If you have questions after reviewing the forms and the rules, please contact the Clerk's office for assistance.

Sincerely yours,

s/Briston S. Mitchell
Case Manager
Direct Dial No. 513-564-7082

cc: Ms. Beth Boswell
Ms. Annie Tauer Christoff

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 19-5325

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DERRICK KENNEDY CRUMPTON

Defendant - Appellant