

No.

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR BRANCACCIO, PETITIONER

v.

STATE OF FLORIDA, RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI TO THE
DISTRICT COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT*

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

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The Petitioner, Victor Brancaccio, moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare him indigent and allow him to proceed in forma pauperis in this cause, in particular to waive any filing fees.

As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the Fourth District Court of Appeal that resulted in the affirmance of his life sentence (with the possibility of parole after 25 years) for a crime he committed as a juvenile.

2. Petitioner was declared indigent for purposes of appeal.

3. Petitioner has been imprisoned since 1993. He is now indigent and without funds to pay any fees or costs in this action. The state court below appointed the office of undersigned counsel for Petitioner as an indigent party pursuant to section 27.51(1)(f), Florida Statutes.

4. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28 U.S.C. §1915(a).

5. Refusal to allow Petitioner to proceed in forma pauperis would deny him equal protection of the law, meaningful access to the courts, and due process of law since he cannot otherwise get the review to which a more affluent defendant would be entitled. *See Burns v. Ohio*, 360 U.S. 252 (1959) (fees should be waived for discretionary appeal by indigent); *Smith v. Bennett*, 365 U.S. 708 (1961) (fees should be waived for indigent prisoner

seeking state habeas relief).

WHEREFORE, Petitioner moves that this Court declare him indigent and allow filing and prosecution of his petition without payment of any fees or costs.

Respectfully submitted,

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