

CASE NO.: _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 2020

BENJAMIN SMILEY,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, BENJAMIN SMILEY, asks leave to file the accompanying Petition for Writ of Certiorari without prepayment of costs and to proceed *In forma pauperis*. Petitioner has been represented by court-appointed counsel at trial in the State of Florida, Polk County, and in the Florida Supreme Court by appointed Counsel Andrea M. Norgard, the orders of which are appended to this motion.

/s/Robert A. Norgard
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ORIGINAL

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

CASE NO.: CF15-004903-XX

BENJAMIN DAVIS SMILEY, JR.,
Defendant.

**ORDER DECLARING DEFENDANT TO BE INDIGENT AND
ORDER APPOINTING OFFICE OF THE PUBLIC DEFENDER,
TENTH CIRCUIT, TO REPRESENT DEFENDANT FOR APPEAL**

THIS CAUSE came before the Court on the Motion to Declare the Defendant to be Indigent, and Motion to Appoint the Office of the Public Defender, Tenth Circuit, to Represent Defendant for Appeal, filed by David R. Carmichael, Esquire, of Boswell & Dunlap, LLP. After having reviewed the Motion, it is hereby

ORDERED AND ADJUDGED as follows:

A. The Court continues to declare the Defendant, BENJAMIN DAVIS SMILEY, JR., ("Smiley"), to be indigent. Accordingly, payment of filing fees for Smiley's appeal before the Florida Supreme Court are waived.

2. The Court relieves David R. Carmichael, as counsel for the Defendant before this Court and before the Florida Supreme Court.

3. The Court appoints the Office of the Public Defender, Tenth Circuit, to represent Stephens before the Florida Supreme Court.

DONE AND ORDERED in Chambers at Bartow, Polk County, Florida on this the 28th day of February, 2018.

JALAL A. HARB
Circuit Court Judge

Copies to:
David R. Carmichael, Esquire
Benjamin D. Smiley, Jr.
Mary Elizabeth Kuenzel, Clerk of the Court, Florida Second District Court of Appeal
State Attorney's Office
Office of the Public Defender, Tenth Circuit
State of Florida, Office of the Attorney General

RECEIVED AND FILED

MAR 05 2018

STACY M. BUTTERFIELD, CLERK

ORIGINAL

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

CASE NO: SC18-385
Lower Tribunal No(s):
532015CF004903A000XX

BENJAMIN DAVIS SMILEY, JR. vs. STATE OF FLORIDA
Appellant(s) Appellee(s)

FILED
JOHN A. TOMASINO
JUL 18 2018

CLERK, SUPREME COURT
BY

ORDER APPOINTING CONFLICT-FREE COUNSEL

THIS MATTER came before this Court pursuant to the Supreme Court of Florida's Order allowing the Office of Criminal Conflict and Civil Regional Counsel to withdraw as counsel for the Appellant/Petitioner and for this Court to appoint conflict free counsel to represent the Appellant/Petitioner in the appeal herein. Accordingly, it is

ORDERED AND ADJUDGED that the **Andrea Norgard, Esquire**, Counsel, is hereby appointed to represent the Appellant/Petitioner in his appeal.

DONE AND ORDERED in Bartow, Polk County, Florida, this 13th day of July, 2018.



JALAL A. HARB
Circuit Court Judge

- Copies Furnished To:
Joseph Thye Sexton, Esquire, Office of Regional Counsel 2nd District, P.O. Box 9000, Drawer RC2, Bartow, FL 33831-9000
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Kristie Ducharme, Assistant State Attorney
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John A. Tomasino, Clerk, Supreme Court of Florida, 500 S Duval St., Tallahassee, FL 32399-6556
Hon. Stacy M. Butterfiled, Clerk
Andrea Norgard, Esquire, P.O. Box 811, Bartow, FL 33831-0811, (863) 533-8556, Bar ID: 661066