

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DEANDRE M. SMITH,
Petitioner,
vs.

STATE OF WISCONSIN,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF WISCONSIN

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Deandre M. Smith, by attorney Dana LesMonde, respectfully moves the court to enter an order permitting him to proceed *in forma pauperis*. As grounds for, and in support of his motion, petitioner states as follows:

1. Mr. Smith is without funds to prosecute this action and has been found by the State of Wisconsin to be indigent for the purposes of all trial and appellate proceedings in this matter.
2. Pursuant to Chapter 977 of the Wisconsin Statutes, Mr. Smith has been represented and continues to be represented in this matter by counsel provided by the Office of the Wisconsin State

Public Defender. The Office of the Wisconsin State Public Defender is responsible for determining which criminal defendants are indigent and thus entitled to appointed counsel for representation of criminal defendants in the Wisconsin state courts. Wis. Stat. §§ 977.06, 977.07.

3. Mr. Smith was appointed counsel through the Office of the Wisconsin State Public Defender for representation in the Wisconsin state courts. He has also been appointed counsel through the Office of the Wisconsin State Public Defender for representation in this petition for certiorari.

4. Undersigned counsel is a private attorney who has been appointed by the Office of the Wisconsin State Public Defender to represent Mr. Smith in postconviction proceedings, including in this petition for certiorari.

5. Pursuant to United States Supreme Court Rule 39.1, Mr. Smith has not attached a declaration or affidavit in support of this motion. Instead, he has attached the Orders Appointing Counsel reflecting that he was appointed counsel in the state court below. Specifically, Mr. Smith has attached the order appointing undersigned counsel to represent him in this petition for certiorari, as well as the order appointing undersigned counsel to represent him in the Supreme Court of Wisconsin.

WHEREFORE, for all the reasons herein, petitioner respectfully requests that he be permitted to proceed *in forma pauperis* in this action.

Dated this 16th day of October, 2020.

Counsel for Petitioner:

/s/ Electronically signed
by Dana Lesmonde
Dana LesMonde
Counsel of record

LesMonde Law Office
354 W. Main St.
Madison, WI 53703
(608) 257-3176
lesmondelaw@outlook.com

Attachment: Orders Appointing Counsel

FILED

06-12-2020

CIRCUIT COURT

DANE COUNTY, WI

2015CF000207

STATE OF WISCONSIN

Plaintiff,

v.

Deandre M Smith

Case No. 15-CF-207

Defendant.

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name:	Deandre M Smith	SPD Case No:	201303647Z
DOC #:	00522120	SPD File No:	20P-13-A-F03647
Date of Birth:	3/17/1990	Case Group #:	1902067

Nature of Case: 940.19(1) Battery MA 1 Cnts:
 Charge Modifier 939.62(1)(a) Habitual Criminality (Prison <= 1 yr)
 941.29(2)(a) Felon Possess Firearm 1 Cnts:
 Charge Modifier 939.62(1)(b) Habitual Criminality (Prison <= 10 yrs)
 940.235(1) Strangulation and suffocation 1 Cnts:
 Charge Modifier 939.62(1)(b) Habitual Criminality (Prison <= 10 yrs)

Other Information

Judge: Hanrahan, B. William
 Record Created: June 12, 2020
 Judgment Entered:
 Type: Collateral Review: U.S. Supreme Court

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings.

Attorney's Name:	Dana Lynn LesMonde	State Bar No:	1067888
Address:	354 W Main St Madison, WI 53703 3115	Attorney Telephone:	(608) 257-3176
Attorney Email Address:	lesmondelaw@outlook.com	Attorney Fax Number:	(608) 442-9494
Appointed By:	Joseph N. Ehmann	Date Appointed:	June 12, 2020
SPD Office Handling:	Madison	Supervisor ID:	1016411
Dated:		SPD Office Phone:	(608) 266 3440

June 12, 2020

Office of the State Public Defender - Notice to Clients - File Retention Policy

When an attorney represents an individual, s/he makes and keeps a file of the documents and work done on the case. Attorneys on staff with the Office of the State Public Defender (SPD) create and maintain such files for each case. This notice applies only to cases handled by staff attorneys of the Office of the State Public Defender. If your case has been assigned to a private attorney, please consult that attorney about his or her file retention policy.

Upon the conclusion of the representation in this case, the SPD will, upon your request, deliver the original file or any portion requested, to you, along with any of your original documents or other property that the SPD has in its possession.

If you do not request your file, the SPD will retain it for a period of at least five years after the matter is closed. At any point during this period, you may request delivery of the file. If you do not request the file before the end of the five-year period, the SPD may, in its discretion, destroy the file and its contents without further notice to you.

STATE OF WISCONSIN

Plaintiff,

V.

Case No. 15-CF-207

Deandre M Smith

Defendant.

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name:	Deandre M Smith	SPD Case No:	151305350Z
DOC #:	00522120	SPD File No:	15P-13-A-G05350
Date of Birth:	3/17/1990	Case Group #:	1902067

Nature of Case: 940.19(1) Battery MA 1 Cnts:
Charge Modifier 939.62(1)(a) Habitual Criminality (Prison <= 1 yr)
941.29(2)(a) Felon Possess Firearm 1 Cnts:
Charge Modifier 939.62(1)(b) Habitual Criminality (Prison <= 10 yrs)
940.235(1) Strangulation and suffocation 1 Cnts:
Charge Modifier 939.62(1)(b) Habitual Criminality (Prison <= 10 yrs)

Other Information

Judge: Hanrahan, B. William
Record Created: September 18, 2017
Judgment Entered: July 07, 2015
Type: Felony: Jury Trial - 2-3 days

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings.

Attorney's Name:	Dana Lynn LesMonde	State Bar No:	1067888
Address:	354 W Main St Madison, WI 53703 3115	Attorney Telephone:	(608) 257-3176
Attorney Email Address:	lesmondelaw@outlook.com	Attorney Fax Number:	(608) 442-9494
Appointed By:	Joseph N. Ehmann	Date Appointed:	September 18, 2017
SPD Office Handling:	Madison	Supervisor ID:	1016411
		SPD Office Phone:	(608) 266 3440

Dated:
September 18, 2017

Office of the State Public Defender - Notice to Clients - File Retention Policy

Office of the State Public Defender Notice to Clients File Retention Policy
When an attorney represents an individual, s/he makes and keeps a file of the documents and work done on the case. Attorneys on staff with the Office of the State Public Defender (SPD) create and maintain such files for each case. This notice applies only to cases handled by staff attorneys of the Office of the State Public Defender. If your case has been assigned to a private attorney, please consult that attorney about his or her file retention policy.

Upon the conclusion of the representation in this case, the SPD will, upon your request, deliver the original file or any portion requested, to you, along with any of your original documents or other property that the SPD has in its possession.

If you do not request your file, the SPD will retain it for a period of at least five years after the matter is closed. At any point during this period, you may request delivery of the file. If you do not request the file before the end of the five-year period, the SPD may, in its discretion, destroy the file and its contents without further notice to you.