

No.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2020

ROBERT BROWNLEE,

Petitioner

v.

SUPERINTENDENT, SCI FAYETTE,

Respondent

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
PURSUANT TO RULE 34.2 & 39 OF THE SUPREME COURT RULES**

ROBERT BROWNLEE ["Petitioner"] hereby moves this Honorable Court for leave to proceed In Forma Pauperis ["IFP"] under and pursuant to Supreme Court Rule 39.

1. Petitioner's present counsel was not CJA-appointed.
2. Petitioner is unable to pay the filing fees and court costs.

3. Petitioner's Affidavit or Declaration in support of motion for leave to proceed in forma pauperis is attached.

WHEREFORE, Petitioner respectfully requests leave to proceed IFP without payment of filing fees and/or court costs.

Respectfully Submitted,

Dated: November 5, 2020

/s/ Cheryl J. Sturm
Cheryl J. Sturm
Attorney-At-Law
387 Ring Road
Chadds Ford, PA 19317
Telephone Number: 484/ 771-2000
Facsimile Number: 484/771-2008
E-Mail: sturmcjlaw@gmail.com

Attorney for Petitioner

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Robert C Brownlee, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>7583</u>	\$ <u>0</u>	\$ <u>7000</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>7583</u>	\$ <u>0</u>	\$ <u>7000</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
—	—	—	\$ 0
—	—	—	\$
—	—	—	\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
First National Bank	12 Federal St Pgh. PA 15212	3/14/16 - current	\$ 7583 ⁰⁰
—	—	—	\$
—	—	—	\$

4. How much cash do you and your spouse have? \$ 100
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
FNB	Checking	\$ 0	\$ 150 ⁰⁰
PNC	Checking	\$ 0	\$ 400 ⁰⁰
FNB	Savings	\$ 0	\$ 625 ⁰⁰
PNC	Savings	0	2500

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home

Value 170,000

Other real estate

Value _____

Motor Vehicle #1

Year, make & model

Toyota
2008 Rav4

Value 4500

Motor Vehicle #2

Year, make & model

Toyota
2016 Rav4

Value 18,600

Both vehicles in wife's name, son drives one of them

Other assets

Description _____

Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
0	\$ 0	\$ 0
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
Eric Brownlee	Son	31

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ 0
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 169 ⁰⁰
Home maintenance (repairs and upkeep)	\$ 0	\$ 75 ⁰⁰
Food	\$ 0	\$ 150 ⁰⁰
Clothing	\$ 0	\$ 50 ⁰⁰
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 100 ⁰⁰
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 100 ⁰⁰
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 55 ⁰⁰
Life	\$ 0	\$ 11 ⁰⁰
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 60 ⁰⁰
Other: _____	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Real Estate + School Txs</u>	\$ 0	\$ 224 ⁰⁰
<u>Billed Annually \$2683</u>		
Installment payments		
Motor Vehicle	\$ 0	\$ 649 ⁰⁰
Credit card(s)	\$ 0	\$ 500 ⁰⁰
Department store(s)	\$ 0	\$ 0
Other: <u>2 installment loans</u>	\$ 0	\$ 1134.00
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u>Spouse paying Son's Mortgage</u>	\$ 0	\$ 969 ⁰⁰
<u>I losted wages because of Covid-19</u>		
Total monthly expenses: <u>and unable to make payments</u>	\$ 0	\$ 4767 ⁰⁰

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? \$ 5,500⁰⁰

If yes, state the attorney's name, address, and telephone number:

Cheryl Sturm
387 Ring Rd
Chadds Ford PA 19317 (484) 771-2008

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.
My wife has significant debt. She has incurred because of my previous legal fees. She is also helping to pay our son's mortgage because of lost wages due to COVID-19. She is keeping a roof over his head and his 2 children. The money in the savings account is for taxes due & car repairs. She is financially strapped & I am unable to help her.

Executed on: October 26, 2020

Robert Brumley
(Signature)