

IN THE SUPREME COURT OF THE
UNITED STATES OF AMERICA

Fall Term, 2020

MICHAEL J. BEVER,)
Petitioner,)
v.)
STATE OF OKLAHOMA,)
Respondent.)

APPLICATION TO PROCEED *IN FORMA PAUPERIS*

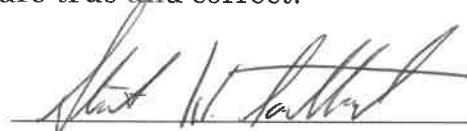
Petitioner respectfully requests that he be granted leave to proceed in this petition for writ of certiorari without paying costs. Petitioner has always been represented by the Tulsa County Public Defender's Office. Although no formal order was ever entered at the trial court level, on the day that charges were filed Chief Public Defender Rob Nigh appeared on Michael Bever's behalf and that the representation of the Tulsa County Public Defender's Office continued through proceedings on direct appeal. The Tulsa County Public Defender's Office was formally appointed to represent Michael Bever on appeal by written order filed on August 17, 2018. This written order specifically found Petition to be indigent. Attached to this motion is an affidavit in the form prescribed by Rule 39 of the Rules of the Supreme Court of the United States. The affidavit contains an unsworn declaration of indigency which complies with 28 U.S.C. § 1746.



Stuart W. Southerland
Tulsa County Public Defender's Office
423 South Boulder Ave., Suite 300
Tulsa, OK 74103
(918) 596-5558

VERIFICATION

I, Stuart Southerland, of lawful age, being first duly sworn, upon oath, state that I am the affiant above named; that I have read the above and pleading and that I am familiar with the contents thereof; and that the things and matters contained therein are true and correct.



Stuart W. Southerland

Subscribed and sworn to before me this 10th day of November, 2020.

My commission expires on: 4/8/2022



Notary Public

10002935



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

I, MICHAEL J. BEVER, 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>n/a</u>	\$ _____	\$ _____
Self-employment	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ <u>n/a</u>	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>0</u>	\$ <u>n/a</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
None			\$
			\$
			\$

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
n/a	n/a	n/a	\$ n/a
			\$
			\$

4. How much cash do you and your spouse have? \$ 10.00 *prison account*
 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
None		\$	\$
		\$	\$
		\$	\$

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

Home
 Value n/a

Other real estate
 Value n/a

Motor Vehicle #1
 Year, make & model n/a
 Value n/a

Motor Vehicle #2
 Year, make & model n/a
 Value n/a

Other assets
 Description none
 Value 0

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
<i>n/a</i>	\$ <i>n/a</i>	\$ <i>n/a</i>
<i>/</i>	\$ <i>/</i>	\$ <i>/</i>
<i>/</i>	\$ <i>/</i>	\$ <i>/</i>

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

Name	Relationship	Age
<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>/</i>	<i>/</i>	<i>/</i>

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)	\$ <i>n/a</i>	\$ <i>n/a</i>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <i>n/a</i>	\$ <i>n/a</i>
Home maintenance (repairs and upkeep)	\$ <i>n/a</i>	\$ <i>n/a</i>
Food	\$ <i>0</i>	\$ <i>n/a</i>
Clothing	\$ <i>0</i>	\$ <i>n/a</i>
Laundry and dry-cleaning	\$ <i>0</i>	\$ <i>n/a</i>
Medical and dental expenses	\$ <i>0</i>	\$ <i>n/a</i>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>n/a</u>	\$ <u>n/a</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>n/a</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>n/a</u>	\$ _____
Life	\$ <u>n/a</u>	\$ _____
Health	\$ <u>n/a</u>	\$ _____
Motor Vehicle	\$ <u>n/a</u>	\$ _____
Other: _____	\$ <u>n/a</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>n/a</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>n/a</u>	\$ _____
Credit card(s)	\$ <u>n/a</u>	\$ _____
Department store(s)	\$ <u>n/a</u>	\$ _____
Other: _____	\$ <u>n/a</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>n/a</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>n/a</u>	\$ _____
Other (specify): _____	\$ <u>n/a</u>	\$ _____
Total monthly expenses:	\$ <u>n/a</u> / <u>0</u>	\$ <u>n/a</u>

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? n/a

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

n/a

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? n/a

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

n/a

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I AM INCARCERATED.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 25, 2020

Mark Rau

(Signature)