

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2020

ANTHONY JOHN PONTICELLI,
Petitioner,
vs.
STATE OF FLORIDA,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Counsel for Petitioner, **ANTHONY JOHN PONTICELLI**, asks leave of this Court to allow Mr. Ponticelli to proceed **in forma pauperis** in this proceeding.

Mr. Ponticelli was found indigent by the state courts in Florida and was allowed to proceed **in forma pauperis**. In the most recent state court proceedings, Mr. Ponticelli was represented by counsel appointed by the state circuit court.

Accompanying this Motion is Petitioner's Affidavit in Support of Motion for Leave to Proceed in Forma Pauperis.

Pursuant to the Court's Rule 39, counsel respectfully requests Mr. Ponticelli be allowed to proceed **in forma pauperis**.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by United States mail, first class postage prepaid, to Patrick Bobek, Assistant Attorney General, Office of the Attorney General, The Capitol, PL-01, Tallahassee, FL 32301, on November 27, 2020.

/s/ Martin J. McClain
MARTIN J. MCCLAIN
Fla. Bar No. 0754773
Law Office of Martin J. McClain
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COUNSEL FOR PETITIONER

ATTACHMENTS

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

I, Anthony Ponticelli, 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	\$ 0	\$ N/A	\$ 0	\$ N/A
Self-employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 30-40?	\$	\$ 0? ? None expected	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify):	\$ 0	\$	\$ 0	\$
Total monthly income:	\$ 30-40? maybe	\$	\$	\$

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.) None.

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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.) N/A.

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ _____
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
<u>Wm. State</u>	<u>Bank</u>	\$ <u>285.00</u>	\$ <u>N/A</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings. None.

<input checked="" type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1 Year, make & model _____ Value _____	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> Other assets Description _____ Value _____	

6. State every person, business, or organization owing you or your spouse money, and the amount owed. None.

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

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

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

None.

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)	\$ <u>0</u>	\$ <u>N/A</u>
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)	\$ <u>0</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>25.00</u>	\$ _____
Clothing	\$ <u>10.00</u>	\$ _____
Laundry and dry-cleaning	\$ <u>0</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$
Life	\$ 0	\$
Health	\$ 0	\$
Motor Vehicle	\$ 0	\$
Other: _____	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$
Installment payments		
Motor Vehicle	\$ 0	\$
Credit card(s)	\$ 0	\$
Department store(s)	\$ 0	\$
Other: _____	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): _____	\$ 0	\$
Total monthly expenses:	\$ 35.00	\$

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? _____

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

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.

Incarcerated since 1987.
Anthony John Fontelli

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

Executed on: October 12, 2020

Anthony John Fontelli
(Signature)

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 213 - UNION C.I.
FOR: 04/01/2020 - 10/19/2020

10/19/20
13:58:23
PAGE 1

ACCT NAME: PONTICELLI, ANTHONY J.
BED: P5228S
PO BOX:

ACCT#: 112967
TYPE: INMATE TRUST

BEGINNING BALANCE 04/01/20 \$388.09

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
04/01/20	043	CANTEEN SALES	21320200331	000		-	\$17.99	\$370.10
04/02/20	284	JPAY MEDIA W/D	000066915628	000		-	\$10.00	\$360.10
04/03/20	154	BUSINESS CHECK	1000373582	000	KINDRED SPIRITS	+	\$50.50	\$410.60
04/03/20	185	PROCESSING FEE	040320154004	000		-	\$0.50	\$410.10
04/05/20	127	JPAY DEPOSIT	114442616	000	GREENBAUM, ROSA	+	\$25.00	\$435.10
04/06/20	167	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.18	\$434.92
04/08/20	043	CANTEEN SALES	21320200407	000		-	\$11.37	\$423.55
04/13/20	163	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.11	\$423.44
04/15/20	043	CANTEEN SALES	21320200414	000		-	\$15.79	\$407.65
04/15/20	235	JPAY DEPOSIT	114870087	000	RALLIS, CATERINA T.	+	\$100.00	\$507.65
04/20/20	163	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.16	\$507.49
04/21/20	043	CANTEEN SALES	21320200420	000		-	\$12.35	\$495.14
04/24/20	199	JPAY DEPOSIT	115317859	000	TIBAUDO, GINA I.	+	\$125.00	\$620.14
04/27/20	165	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.12	\$620.02
04/28/20	043	CANTEEN SALES	21320200427	000		-	\$11.41	\$608.61
05/04/20	167	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.11	\$608.50
05/06/20	045	CANTEEN SALES	21320200505	000		-	\$17.88	\$590.62
05/11/20	165	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.18	\$590.44
05/13/20	043	CANTEEN SALES	21320200512	000		-	\$17.82	\$572.62
05/18/20	165	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.18	\$572.44
05/20/20	043	CANTEEN SALES	21320200519	000		-	\$17.84	\$554.60
05/22/20	189	JPAY DEPOSIT	116658714	000	HORSCH, JAKOB	+	\$100.00	\$654.60
05/25/20	161	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.18	\$654.42
05/27/20	043	CANTEEN SALES	21320200526	000		-	\$13.79	\$640.63
06/01/20	161	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.14	\$640.49
06/02/20	043	CANTEEN SALES	21320200601	000		-	\$13.91	\$626.58
06/08/20	161	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.14	\$626.44
06/09/20	043	CANTEEN SALES	21320200608	000		-	\$17.37	\$609.07
06/15/20	164	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.17	\$608.90
06/17/20	043	CANTEEN SALES	21320200616	000		-	\$12.50	\$596.40
06/22/20	157	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.13	\$596.27
06/24/20	043	CANTEEN SALES	21320200623	000		-	\$24.61	\$571.66
06/25/20	213	JPAY DEPOSIT	118154227	000	GREENBAUM, ROSA	+	\$50.00	\$621.66
06/29/20	159	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.25	\$621.41
07/01/20	043	CANTEEN SALES	21320200630	000		-	\$12.00	\$609.41
07/06/20	162	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.12	\$609.29
07/08/20	043	CANTEEN SALES	21320200707	000		-	\$16.91	\$592.38
07/08/20	187	BUSINESS CHECK	1000373717	000	KINDRED SPIRITS	+	\$50.50	\$642.88
07/08/20	231	PROCESSING FEE	070820187003	000		-	\$0.50	\$642.38
07/13/20	159	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.17	\$642.21
07/13/20	255	JPAY MEDIA W/D	000076950199	000		-	\$10.00	\$632.21
07/15/20	043	CANTEEN SALES	21320200714	000		-	\$31.78	\$600.43

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FOR: 04/01/2020 - 10/19/2020

10/19/20

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PAGE 2

ACCT NAME: PONTICELLI, ANTHONY J.

ACCT#: 112967

BED: P5228S

TYPE: INMATE TRUST

PO BOX:

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
07/16/20	118	MEDICAL BILLS W	7/13/20	000				
07/20/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$1.65	\$598.78
07/21/20	043	CANTEEN SALES	21320200720	000		-	\$0.32	\$598.46
07/27/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$33.00	\$565.46
07/29/20	041	CANTEEN SALES	21320200728	000		-	\$0.33	\$565.13
08/03/20	151	PROCESSING FEE	WEEKLY DRAW	000		-	\$18.41	\$546.72
08/04/20	041	CANTEEN SALES	21320200803	000		-	\$0.18	\$546.54
08/10/20	147	PROCESSING FEE	WEEKLY DRAW	000		-	\$9.30	\$537.24
08/11/20	039	CANTEEN SALES	21320200810	000		-	\$0.09	\$537.15
08/17/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$17.32	\$519.83
08/19/20	041	CANTEEN SALES	21320200818	000		-	\$0.17	\$519.66
08/24/20	153	PROCESSING FEE	WEEKLY DRAW	000		-	\$39.52	\$480.14
08/24/20	238	JPAY MEDIA W/D	000080740771	000		-	\$0.40	\$479.74
08/26/20	041	CANTEEN SALES	21320200825	000		-	\$10.00	\$469.74
08/28/20	162	MEDICAL CO-PAY	0826201330CS	000		-	\$8.93	\$460.81
08/31/20	159	PROCESSING FEE	WEEKLY DRAW	000		-	\$5.00	\$455.81
09/01/20	043	CANTEEN SALES	21320200831	000		-	\$0.09	\$455.72
09/07/20	162	PROCESSING FEE	WEEKLY DRAW	000		-	\$16.01	\$439.71
09/11/20	043	CANTEEN SALES	21320200910	000		-	\$0.16	\$439.55
09/11/20	180	JPAY MEDIA W/D	000082563644	000		-	\$13.51	\$426.04
09/14/20	157	PROCESSING FEE	WEEKLY DRAW	000		-	\$10.00	\$416.04
09/15/20	043	CANTEEN SALES	21320200914	000		-	\$0.14	\$415.90
09/21/20	153	PROCESSING FEE	WEEKLY DRAW	000		-	\$21.86	\$394.04
09/23/20	041	CANTEEN SALES	21320200922	000		-	\$0.22	\$393.82
09/23/20	276	JPAY DEPOSIT	121988657	000	RALLIS, CATERINA T.	+	\$12.95	\$380.87
09/24/20	181	JPAY MEDIA W/D	000083338034	000		-	\$100.00	\$480.87
09/28/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$10.00	\$470.87
09/30/20	043	CANTEEN SALES	21320200929	000		-	\$0.13	\$470.74
10/05/20	159	PROCESSING FEE	WEEKLY DRAW	000		-	\$17.57	\$453.17
10/07/20	043	CANTEEN SALES	21320201006	000		-	\$0.18	\$452.99
10/12/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$12.12	\$440.87
10/12/20	205	BUSINESS CHECK	1000373812	000		-	\$0.12	\$440.75
10/12/20	231	PROCESSING FEE	101220205003	000	KINDRED SPIRITS	+	\$50.50	\$491.25
10/13/20	043	CANTEEN SALES	21320201012	000		-	\$0.50	\$490.75
10/15/20	123	MULTI-PARTY CHE	0702024	000		-	\$15.55	\$475.20
10/19/20	157	PROCESSING FEE	WEEKLY DRAW	000	TRINITY SERVICES GROUP, I	-	\$192.59	\$282.61
						-	\$0.16	\$282.45

ENDING BALANCE 10/19/20

\$282.45