

**IN THE SUPREME COURT OF THE UNITED STATES**

\_\_\_\_\_  
BRIAN CHARLES ZELLNER, PETITIONER  
v.  
THE STATE OF GEORGIA, RESPONDENT

\_\_\_\_\_  
*ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF GEORGIA*

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Petitioner, Brian Charles Zellner, through attorney John W. Donnelly, respectfully moves the Court to enter an order permitting him to proceed *in forma pauperis*. As grounds for and in support of this motion, Petitioner states as follows:

1. Mr. Zellner has been determined by the trial court and the office of the public defender to be indigent for purposes of appointed counsel which includes appeals. Additionally, Mr. Zellner is currently incarcerated on a prison sentence and remains indigent.
2. Georgia Code Ann. § 17-12-1 et. seq. authorizes and requires the circuit public defender office to represent indigent defendants in felony criminal cases who request appointed counsel.

3. Mr. Zellner requested appointed counsel and met the county financial guidelines for public defender services. Based on his request and qualifying financial status, undersigned counsel appeared as counsel in the trial court. The trial court did not issue an appointment order.
4. Undersigned counsel, to represent Petitioner on appeal in the Georgia courts, was given permission to proceed *in forma pauperis* in those courts.
5. Undersigned counsel is a full-time employee of the Georgia Public Defender Council.

Therefore, Petitioner respectfully requests that he be permitted to proceed *in forma pauperis* in this action.

Submitted this 20<sup>th</sup> day of November, 2020.

  
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John W. Donnelly  
Counsel for Petitioner