

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ARTHUR TYRONE LEE, JR.,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner has been incarcerated since February 28, 2018. Counsel was court-appointed to represent Petitioner for his federal sentencing proceedings and his appeal, Petitioner had different court appointed counsel prior to sentencing. Petitioner has previously been found indigent by the Southern District of Iowa and the Eighth Circuit Court of Appeals. Leave to proceed *in forma pauperis* has not previously been sought. Petitioner's 2018 Financial Affidavit and prior Order finding him indigent are attached in support of this motion. Petitioner will supplement a more recent Financial Affidavit if necessary.

**PARRISH KRUIDENIER DUNN GENTRY
BROWN BERGMANN & MESSAMER, L.L.P.**

By: 

Alfredo Parrish AT0006051
Counsel of Record
2910 Grand Avenue
Des Moines, Iowa 50312
Telephone: (515) 284-5737
Facsimile: (515) 284-1704
Email: aparrish@parrishlaw.com

United States District Court
Southern District of Iowa

United States of America

Plaintiff,

vs.

Arthur Tyrone Lee, Jr.

Defendant.

Case No. 4:18-mj-143-HCA



*[Check if Federal Public Defender is
appearing only for arraignment or
initial appearance]*

Order Appointing Counsel

The Court finds that the Defendant qualifies for appointment of counsel under the Criminal Justice Act, 18 USC §3006A, and the Criminal Justice Act Plan for the Southern District of Iowa. A CJA Form 23 Financial Affidavit shall be filed within five days of this Order.

It is ORDERED that Federal Defender's Office, or substitute counsel designated pursuant to the CJA Plan, is appointed to represent Defendant for all proceedings, including appeal. The Court may require Defendant to make full or partial repayment of attorney and witness fees, should it find that the Defendant has the ability to make such payment.

DATED: March 13, 2018

Helen C. Adams

JUDGE/CLERK OF COURT
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

JD-CJA 23

Rev. 5/98

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES ☐ MAGISTRATE ☒ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE OF

United States

V.S.

FOR

SOUTHERN DISTRICT OF IOWA

AT

Des Moines

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Arthur Tyrone Lee, Jr.

- 1 ☒ Defendant—Adult
 2 ☐ Defendant - Juvenile
 3 ☐ Appellant
 4 ☐ Probation Violator
 5 ☐ Parole Violator
 6 ☐ Habeas Petitioner
 7 ☐ 2255 Petitioner
 8 ☐ Material Witness
 9 ☐ Other

DOCKET NUMBERS

Magistrate

4/18-mj. 143

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →)

- ☐ Felony
☐ Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY**EMPLOYMENT**Are you now employed? ☐ Yes ☒ No ☐ Am Self-Employed

Name and address of employer:

IF YES, how much do you
earn per month? \$

IF NO, give month and year of last employment

How much did you earn per month? \$ 4.15 \$800
May 2017If married is your Spouse employed? ☐ Yes ☐ NoIF YES, how much does your
Spouse earn per month? \$If a minor under age 21, what is your Parents or
Guardian's approximate monthly income? \$**OTHER INCOME**Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

RECEIVED

SOURCES

IF YES, GIVE THE AMOUNT
RECEIVED & IDENTIFY
THE SOURCES

\$

CASHHave you any cash on hand or money in savings or checking accounts? ☐ Yes ☒ No IF YES, state total amount \$**PROPERTY**Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

VALUE

DESCRIPTION

IF YES, GIVE THE VALUE AND \$
DESCRIBE IT**DEPENDENTS**

MARITAL STATUS

- ☒ SINGLE
☐ MARRIED
☐ WIDOWED
☐ SEPARATED OR
☐ DIVORCED

Total
No. of
Dependents
2

List persons you actually support and your relationship to them

2 step children**OBLIGATIONS & DEBTS****DEBTS & MONTHLY BILLS**(LIST ALL CREDITORS,
INCLUDING BANKS,
LOAN COMPANIES,
CHARGE ACCOUNTS,
ETC.)APARTMENT
OR HOME:
rent

Creditors

Total Debt

Monthly Paymt.

\$

\$

\$

\$

\$

\$

\$

\$

425.00

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

3-19-18SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)Arthur Lee Jr.

From: cmecf_iasd@iasd.uscourts.gov
To: Courtmail@iasd.uscourts.gov
Subject: Activity in Case 4:18-cr-00061-JAJ-HCA USA v. Lee CJA Attorney Appointment
Date: Wednesday, November 28, 2018 8:47:36 AM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Southern District of Iowa

Notice of Electronic Filing

The following transaction was entered on 11/28/2018 at 8:46 AM CST and filed on 11/28/2018

Case Name: USA v. Lee
Case Number: [4:18-cr-00061-JAJ-HCA](#)
Filer:
Document Number: No document attached

Docket Text:

*****CJA Attorney Appointment accepted by Attorney Alfredo G Parrish for Arthur Tyrone Lee, Jr. (sjc)**

4:18-cr-00061-JAJ-HCA-1 Notice has been electronically mailed to:

Alfredo G Parrish aparrish@parrishlaw.com, bmozena@parrishlaw.com,
hburke@parrishlaw.com, layardley@parrishlaw.com, lyardley5@gmail.com,
mibarra@parrishlaw.com, vmora@parrishlaw.com

Craig P Gaumer craig.gaumer@USDOJ.GOV, CaseView.ECF@usdoj.gov,
carla.ralph@usdoj.gov, kathy.ramirez@usdoj.gov, suellen.irwin@usdoj.gov,
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usaiaas.nefcriminal@usdoj.gov

4:18-cr-00061-JAJ-HCA-1 Notice has been delivered by other means to:

Arthur Tyrone Lee, Jr

POLK COUNTY JAIL
1985 N.E. 51st Place
Des Moines, IA 50313

Peg Carr

From: ca08ml_cmecf_Notify@ca8.uscourts.gov
Sent: Monday, March 4, 2019 9:09 AM
To: Lori Yardley
Subject: 19-1421 United States v. Arthur Lee, Jr. "Clerk order filed sua sponte appoint cja counsel" (4:18-cr-00061-JAJ-1)

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Eighth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was filed on 03/04/2019

Case Name: United States v. Arthur Lee, Jr.

Case Number: [19-1421](#)

Document(s): [Document\(s\)](#)

Docket Text:

CLERK ORDER:Appointing Mr. Alfredo G. Parrish for Mr. Arthur Tyrone Lee, Jr. under the Criminal Justice Act. [4761931] [19-1421] (AEV)

Notice will be electronically mailed to:

Ms. Virginia Bruner: virginia.bruner@usdoj.gov, dawn.thomas@usdoj.gov, andrew.kahl@usdoj.gov, hillary.kruse@usdoj.gov, caseview.ecf@usdoj.gov
Mr. John S. Courter, Clerk of Court: IASDAppeals@iasd.uscourts.gov
Ms. Terri Martin, Court Reporter: terri_martin@iasd.uscourts.gov
Mr. Alfredo G. Parrish: aparrish@parrishlaw.com, layardley@parrishlaw.com, adunn@parrishlaw.com, mibarra@parrishlaw.com, vmora@parrishlaw.com, bmozena@parrishlaw.com, lyardley5@gmail.com, bfm4403@gmail.com, hburke@parrishlaw.com

Notice will be mailed to:

Mr. Arthur Tyrone Lee, Jr.
POLK COUNTY JAIL
1985 N.E. 51st Place
Des Moines, IA 50313

The following document(s) are associated with this transaction:

Document Description: Clerk Order Appt. CJA Counsel

Original Filename: /opt/ACECF/live/forms/AdrienneVonderHaar_191421_4761931_ClkOrderApptCJAcnsl_532.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=03/04/2019] [FileNumber=4761931-0]

[4d9c9bf1aa67cf52867cd6c73db43b132c6dab879761b53520d2d914e6a2c193b4e7140b535cfdbe69b6e05257ae37511d030d66c9c9a12693f9f016695331f1]]

Recipients:

- [Ms. Virginia Bruner](#)
- [Mr. John S. Courter, Clerk of Court](#)
- [Mr. Arthur Tyrone Lee, Jr.](#)
- [Ms. Terri Martin, Court Reporter](#)
- [Mr. Alfredo G. Parrish](#)