

No. 20-6805

ORIGINAL

Supreme Court, U.S.
FILED

JUL 20 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL M. WILLIAMS — PETITIONER
(Your Name)

VS.

JOSH STEIN — RESPONDENT(S)

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*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

STATE OF NORTH CAROLINA, COUNTY OF SCOTLAND
GENERAL COURT OF JUSTICE, SUPERIOR COURT DIVISION

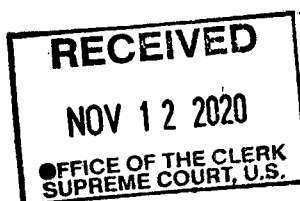
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☒ The appointment was made under the following provision of law: N.C.G.S. § 7A-450, 7A-451(a); § 15A-1420, et seq. (on 2-3-2010), or

☒ a copy of the order of appointment is appended.



Michael M Williams
(Signature)

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

I, Michael Williams, 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>951.85</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Self-employment	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Gifts	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Alimony	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Child Support	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>NONE</u>	\$ <u>N/A</u>	\$ <u>NONE</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>951.85</u>	\$ <u>N/A</u>	\$ <u>NONE</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
IMPERIAL BROWN, INC	198 SE 23 rd AVE	9/15/19 - 3/23/20	\$ 2022.82
	GRESHAM OR		\$
	97030		\$

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? \$ ~~1000~~ N/A
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
PCI - 3500	WORK RELEASE	\$ 5,072.42	\$ N/A
PCI - 3500	TRUST FUND	\$ 1,000.00	\$ N/A
		\$	\$ N/A

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 _____
Value N/A

☐ Motor Vehicle #2
Year, make & model _____
Value N/A

☐ Other assets
Description _____
Value N/A

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

_____	\$ _____	\$ <u>N/A</u>
_____	\$ _____	\$ <u>N/A</u>
_____	\$ _____	\$ <u>N/A</u>

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

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
_____	_____	_____
_____	_____	_____

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>210</u>	\$ <u>N/A</u>
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)	\$ <u>N/A</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>160</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>N/A</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>78.28</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ <u>N/A</u>	\$ <u>N/A</u>
Health	\$ <u>N/A</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>Family Expense</u>	\$ <u>41.67</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>489.95</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? _____

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.

Due to COVID-19 ^{the} Work Release Program for PCS has
for the past 8 months
been shut down hindering me from making any more
form of income

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

Executed on: November 29th, 2020

Michael M Wilson
(Signature)

9. As of March 23rd, 2020 the Work Release Program at Piedmont Correctional was shut down due to Covid-19 which resulted in me being laid off from my job at Imperial Brown, Inc. so my monthly income was eliminated whereas my expenses were not.

APPENDIX (*in forma pauperis*)

1. ORDER ASSIGNMENT OF COUNSEL (2-3-2010) 1-Page
2. MOTION TO WITHDRAW AS COUNSEL (2-18-2010) 2-Pages
3. ORDER ALLOWING WITHDRAWAL, APPOINTING "NEW"
FURTHER COUNSEL (3-25-2010) 1-Page
4. ORDER ALLOWING WITHDRAWAL, APPOINTING "NEW"
ADDITIONAL COUNSEL (12-14-2011)

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

Scotland

County

File No.

00CRS 221

Additional File Nos.

00CR 222 - 00CRS 229
02CRS 52653

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name Of Defendant, Petitioner, Respondent

Michael Williams

Street Address Of Defendant, Petitioner, Respondent

Permanent Mailing Address Of Defendant, Petitioner, Respondent (If Different Than Above)

DOC

ORDER OF ASSIGNMENT
OR
DENIAL OF COUNSEL

Telephone Number of Defendant, Petitioner, Respondent

☐ Check here if defendant is in jail

Social Security No.

UNKNOWN

☐ Has No Social Security No.

Offense(s) (List Offense(s) Only If File No. Has Not Been Assigned)

MAR Motion

G.S. 7A-450, 7A-451(e)

INSTRUCTIONS: Do not use this form for first-degree murder cases or murder cases where the degree is undesignated, except for cases where the defendant was under 18 years of age at the time of the offense, or for capital post-conviction cases or appeals to the Court of Appeals or Supreme Court. For adult first-degree murder cases or murder cases where the degree is undesignated at the trial level, the Office of Indigent Defense Services will use form AOC-CR-624. For capital post-conviction cases, the Office of Indigent Defense Services will use form AOC-CR-625. For appellate cases, the Court will use form AOC-CR-350.

I. ASSIGNMENT OR DENIAL OF COUNSEL

From the petition heard in this matter, it appears to the Court that the applicant named above is party to a proceeding or action listed in G.S. 7A-451(a) and, from the affidavit made by the applicant, and from the inquiry made by the Court, which is documented in the record, it is determined that the applicant:

- ☐ 1. will not receive an active or suspended term of imprisonment if he/she is convicted of the offense(s) for which he/she is charged; it is ORDERED that the defendant's petition is denied.
- ☐ 2. will not receive an active or suspended term of imprisonment if he/she is found in contempt; it is ORDERED that the defendant's petition is denied.
- ☐ 3. is financially able to provide the necessary expenses of legal representation; it is ORDERED that the applicant is not an indigent and his/her petition is denied.
- ☒ 4. is not financially able to provide the necessary expenses of legal representation; it is ORDERED that the applicant is an indigent and is entitled to the services of counsel as contemplated by law, and that he/she shall be represented by:
☒ the attorney named below.

☐ the public defender in this judicial district.

Name Of Appointed Attorney (If Applicable)

Chris Wood

Next Court Date

3-22-10

Date

2-3-10

Signature

II. SIGNATURE OF JUDGE OR CLERK

☒ Judge

☐ Clerk Of Superior Court

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF SCOTLAND

DISTRICT COURT DIVISION

200 FEB 18 A 11:11

FILE NUMBER: 00 CRS 221-229;

SCOTLAND COUNTY, C.S.

02CRS52653

STATE OF NORTH CAROLINA, *sek*

Plaintiff,

v.

MICHAEL WILLIAMS,

Defendant.

MOTION TO WITHDRAW AS
COUNSEL

Counsel for the Defendant, Christopher M. Wood, pursuant to Rule 16 of the General Rules of Practice, moves to withdraw as counsel for the Defendant and as grounds for withdrawal shows the Court:

1. That counsel for the Defendant was appointed on February 03, 2010 to assist the above listed Defendant with, among other things, a Motion for Appropriate Relief in the the above captioned matters;
2. That on May 07, 2001, after being court appointed to assist Defendant on his underlying charges, Counsel was allowed to withdraw due to Defendant retaining the legal services of attorney Gregory Thompson of Raeford, North Carolina;
3. That on May 8, 2001, Attorney Thompson assisted Defendant with the entry of a plea and disposition of Defendant's pending criminal matters;
4. That Defendant, on November 16, 2009, filed a motion for Preparation of a Stenographic Transcript to aid him in his Motion for Appropriate Relief;
5. That in Defendant's Motion he infers that the basis for the relief sought is founded on ineffective assistance of counsel;
6. In so much as current Counsel had represented Defendant shortly before the disposition of his matters with Attorney Thompson, and was erroneously listed as counsel of record in the 00crs000222 judgment, it would be inappropriate for Counsel to be reappointed in this matter;
7. That counsel for the Defendant asks that this motion be treated as an affidavit;

the District Attorney's,

Defendant's counsel prays that this Court enter an order allowing him to withdraw as counsel for the Defendant in this case.

18TH day of FEBRUARY, 2010

Charles M. Wilson

~~Christopher M. Wood~~
Attorney for Defendant
PO Box 2049
Laurinburg, NC 28353

(910) 277-8699

STATE OF NORTH CAROLINA

COUNTY OF SCOTLAND

FILED

IN THE COURT OF GENERAL JUSTICE

2010 MAR 25 AM 10:32

DISTRICT COURT DIVISION

SCOTLAND COUNTY, N.C.

FILE NUMBER: 00 CRS 221-229;

02CRS52653

BY

M. Reese

STATE OF NORTH CAROLINA,

Plaintiff,

v.

MICHAEL WILLIAMS,

Defendant.

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)
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ORDER ALLOWING WITHDRAWAL OF COUNSEL

This cause coming on to be heard and being heard by the undersigned Judge Presiding, upon Motion to Withdraw as Counsel filed by Christopher M. Wood, attorney for Defendant, the Court finds the following:

1. Defendant's counsel has shown justifiable cause to withdraw as Defendant's counsel;
2. Defendant's counsel has given reasonable notice of his intention to withdraw to Defendant;

THEREFORE, it is ordered that Christopher M. Wood, Attorney at Law, be allowed to withdraw as counsel in this case and that Attorney HARAL CARLIN is hereby appointed as defense counsel in this matter.

This 25 day of March, 2010.

William P. Patton

Judge Presiding

(48)

STATE OF NORTH CAROLINA

SCOTLAND COUNTY

STATE OF NORTH CAROLINA

-vs-

Michael Mustfus Williams
Defendant

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

FILE 00CRS221-227

**ORDER ALLOWING WITHDRAWAL BY
ATTORNEY AND PRODUCTION
OF TRIAL TRANSCRIPTS**

Upon motion by Haral E. Carlin in reference to the defendant's case, Defendant was returned on December 12, 2011 to the Superior Court of Scotland County from Department of Corrections to be heard on his pro se motion alleging ineffective assistance of counsel and his request for production of trial transcripts in 00CRS221-227.

The State of North Carolina was represented by Assistant District Attorney Joanna Shober. The Defendant, Michael Mustfus Williams, was present with appointed counsel, Haral E. Carlin. After hearing arguments from all parties, the Court ordered that attorney Haral E. Carlin be permitted to withdraw as attorney for Defendant. Attorney Robert Schmidt shall be appointed to represent Defendant Williams for the purpose of resentencing only. Finally, that the transcripts in 00CRS221-227 be transcribed and produced for Defendant Williams. The court shall not appoint an attorney at this time to investigate or prepare a Motion for Appropriate Relief on the Defendant's behalf.

NOW, THEREFORE, IT IS ORDERED that Haral E. Carlin be permitted to withdraw as Attorney for the Defendant, that Attorney Robert Schmidt be appointed to represent the Defendant for the purpose of resentencing only and that the Defendant's Motion to Transcribe and Produce Transcripts in 00CRS221-227 is allowed.

This the 14th day of December, 2011.



PRESIDING JUDGE