

DOCKET NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2020

TROY MERCK, JR.

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

CORRECTED MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Counsel for Petitioner, **TROY MERCK JR.**, asks leave of this Court to allow Mr. Merck to proceed **in forma pauperis** in this proceeding.

Mr. Merck 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. Merck received the services of *pro bono* counsel.

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. Merck 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
Stephen D. Ake, Senior Assistant Attorney General, Office of the
Attorney General Concourse Center Rd., 3507 E. Frontage Rd.,
Tampa, FL 33607, on December 8, 2020.

/s/ Martin J. McClain
MARTIN J. McCLAIN
Fla. Bar No. 0754773
Law Office of Martin J. McClain
141 N.E. 30th Street
Wilton Manors, FL 33334
Telephone: (305) 984-8344
martymcclain@earthlink.net
COUNSEL FOR PETITIONER

ATTACHMENTS

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

I, Troy Merck, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>160.00</u>	\$ <u>0</u>	\$ <u>108.00</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>6</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>160.00</u>	\$ <u>0</u>	\$ <u>108.00</u>	\$ <u>0</u>

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? \$ None

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>Inmate</u>	<u>Bank</u>	\$ <u>1442.17</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. N/A

Home
Value _____

Other real estate
Value _____

Motor Vehicle #1
Year, make & model _____
Value _____

Motor Vehicle #2
Year, make & model _____
Value _____

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.

None

Name

Relationship

Age

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)

\$ 0

\$ 0

Are real estate taxes included? Yes No
Is property insurance included? Yes No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 0

\$ 0

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 92.50

\$ 0

Clothing

\$ 7.00

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 1.00

\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>47.50</u>	\$ <u>1</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u> </u>
Life	\$ <u>0</u>	\$ <u> </u>
Health	\$ <u>0</u>	\$ <u> </u>
Motor Vehicle	\$ <u>0</u>	\$ <u> </u>
Other: _____	\$ <u>0</u>	\$ <u> </u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u> </u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u> </u>
Credit card(s)	\$ <u>0</u>	\$ <u> </u>
Department store(s)	\$ <u>0</u>	\$ <u> </u>
Other: _____	\$ <u>0</u>	\$ <u> </u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u> </u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u> </u>
Other (specify): _____	\$ <u>0</u>	\$ <u> </u>
Total monthly expenses:	\$ <u>148.00</u>	\$ <u>0</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? _____

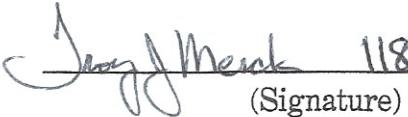
If yes, state the person's name, address, and telephone number:

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

Incarcerated since 1991.

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

Executed on: Friday, Oct. 9th , 2020

 118167
(Signature)

FLORIDA DEPARTMENT OF CORRECTIONS
 TRUST FUND ACCOUNT STATEMENT
 FACILITY: 213 - UNION C.I.
 FOR: 09/01/2020 - 09/30/2020
 PAGE 1057

ACCT NAME: MERCK, TROY JR..
 BED: P2113S
 PO BOX:
 ACCT#: 118167
 TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
09/01/20	043	CANTEEN SALES	21320200831	000	WALTHER, SUSANNE JR..	-	\$22.12	\$1,349.53
09/03/20	192	JPAY DEPOSIT	121197991	000			\$60.00	\$1,409.53
09/07/20	162	PROCESSING FEE					\$0.22	\$1,409.31
09/08/20	179	JPAY DEPOSIT	1211414855	000	MOUNT, CHARLOTTE J. JR	+	\$25.00	\$1,434.31
09/10/20	043	CANTEEN SALES	21320200909	000			\$27.92	\$1,406.39
09/14/20	157	PROCESSING FEE	WEEKLY DRAW	000			\$0.28	\$1,406.11
09/15/20	043	CANTEEN SALES	21320200914	000			\$14.75	\$1,391.36
09/15/20	316	JPAY DEPOSIT	1211691607	000	HENSLEY, HOLLY JR..	+	\$50.00	\$1,441.36
09/21/20	153	PROCESSING FEE	WEEKLY DRAW	000			\$0.15	\$1,441.21
09/22/20	043	CANTEEN SALES	21320200921	000	REVIS, TINA JR..	+	\$11.90	\$1,429.31
09/23/20	279	JPAY DEPOSIT	1211990625	000			\$33.05	\$1,462.36
09/28/20	155	PROCESSING FEE	WEEKLY DRAW	000			\$0.12	\$1,462.24
09/29/20	043	CANTEEN SALES	21320200928	000			\$20.07	\$1,442.17
					ENDING BALANCE	09/30/20		\$1,442.17

FLORIDA DEPARTMENT OF CORRECTIONS
 TRUST FUND ACCOUNT STATEMENT
 FACILITY: 213 - UNION C.I.
 FOR: 08/01/2020 - 08/31/2020

ACCT NAME: MERCK, TROY JR..
 BED: P2113S
 PO BOX:
 ACCT#: 118167
 TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
08/03/20	151	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.29	\$1,386.33
08/04/20	041	CANTEEN SALES	21320200803	000		-	\$25.79	\$1,360.54
08/08/20	173	JPAY DEPOSIT	120162057	000	MOUNT, CHARLOTTE J. JR	+	\$25.00	\$1,385.54
08/10/20	147	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.26	\$1,385.28
08/11/20	039	CANTEEN SALES	21320200810	000		-	\$23.09	\$1,362.19
08/15/20	177	JPAY DEPOSIT	120449033	000	HENSLEY, HOLLY JR..	+	\$50.00	\$1,412.19
08/17/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.23	\$1,411.96
08/18/20	259	ACCESS CATALOG	2213	000		-	\$34.44	\$1,377.52
08/19/20	041	CANTEEN SALES	21320200818	000		-	\$16.09	\$1,361.43
08/24/20	153	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.16	\$1,361.27
08/25/20	041	CANTEEN SALES	21320200824	000		-	\$22.45	\$1,338.82
08/25/20	194	JPAY DEPOSIT	120818521	000	REVIS, TINA JR..	+	\$33.05	\$1,371.87
08/31/20	159	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.22	\$1,371.65
					ENDING BALANCE	08/31/20		\$1,371.65

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 213 - UNION C.I.
FOR: 07/01/2020 - 07/31/2020

ACCT NAME: MERCK, TROY JR..
BED: P21113S
PO BOX:
ACCT#: 118167
TYPE: INMATE TRUST

08/03/20
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POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
07/02/20	198	JPAY DEPOSIT	118476975	000	WALTHER, SUSANNE JR..	+	\$60.00	\$1,313.32
07/06/20	162	PROCESSING FEE	WEEKLY DRAW	000	BARKER, HELEN E. JR..	+	\$0.17	\$1,313.15
07/06/20	237	JPAY DEPOSIT	118679924	000		+	\$48.00	\$1,361.15
07/07/20	043	CANTEEN SALES	21320200706	000		-	\$14.02	\$1,347.13
07/07/20	248	JPAY MEDIA W/D	000076421527	000	MOUNT, CHARLOTTE J. JR	+	\$40.00	\$1,307.13
07/08/20	261	JPAY DEPOSIT	118784687	000		-	\$25.00	\$1,332.13
07/13/20	159	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.14	\$1,331.99
07/14/20	043	CANTEEN SALES	21320200713	000	HENSLEY, HOLLY JR..	+	\$24.51	\$1,307.48
07/15/20	257	JPAY DEPOSIT	119089144	000		-	\$50.00	\$1,357.48
07/20/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.25	\$1,357.23
07/21/20	043	CANTEEN SALES	21320200720	000		-	\$24.01	\$1,333.22
07/21/20	334	JPAY MEDIA W/D	000077594599	000		-	\$10.00	\$1,323.22
07/22/20	219	JPAY DEPOSIT	119376890	000	REVIS, TINA JR..	+	\$33.05	\$1,356.27
07/27/20	155	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.24	\$1,356.03
07/27/20	234	JPAY DEPOSIT	119575678	000	SORENMO, ANNKRISTIN J	+	\$60.00	\$1,416.03
07/28/20	043	CANTEEN SALES	21320200727	000		-		

ENGING BALANCE 07/31/20 \$1,386.62

ACCT NAME: MERCK, TROY JR.
BED: P2113S
PO BOX:

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 213 - UNION C.I.
FOR: 06/01/2020 - 06/30/2020
ACCT#: 118167
TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
06/01/20	161	PROCESSING FEE	WEEKLY DRAW	000			\$0.08	\$1,264.18
06/02/20	043	CANTEEN SALES	21320200601	000				
06/03/20	276	JPAY MEDIA W/D	000073221732	000			\$13.40	\$1,250.70
06/05/20	224	JPAY MEDIA W/D	000073430853	000			\$15.00	\$1,235.70
06/08/20	163	PROCESSING FEE	WEEKLY DRAW	000			\$20.00	\$1,215.70
06/08/20	253	JPAY DEPOSIT	117447746	000			\$0.13	\$1,215.57
06/09/20	043	CANTEEN SALES	21320200608	000	MOUNT, CHARLOTTE J. JR	+	\$25.00	\$1,240.57
06/14/20	109	JPAY DEPOSIT	117690251	000	REVIS, TINA JR..	-	\$20.00	\$1,220.57
06/15/20	166	PROCESSING FEE	WEEKLY DRAW	000		+	\$33.05	\$1,253.62
06/15/20	268	JPAY DEPOSIT	117754060	000	HENSLEY, HOLLY JR..	-	\$0.20	\$1,253.42
06/16/20	043	CANTEEN SALES	21320200615	000		+	\$50.00	\$1,303.42
06/22/20	157	PROCESSING FEE	WEEKLY DRAW	000		-	\$17.77	\$1,285.65
06/24/20	043	CANTEEN SALES	21320200623	000			\$0.18	\$1,285.47
06/29/20	159	PROCESSING FEE	WEEKLY DRAW	000			\$14.87	\$1,270.60
06/30/20	043	CANTEEN SALES	21320200629	000			\$0.15	\$1,270.45
							\$17.13	\$1,253.32
					ENDING BALANCE 06/30/20			\$1,253.32

07/01/20
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ACCT NAME: MERCK, TROY JR.:.

BBB: E2113
BO BOY:

TYPE: INMATE TRIST

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 213 - UNION C.I.T.
FOR: 05/01/2020 - 05/31/2020

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POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER / PAYEE	+/-	AMOUNT	BALANCE
05/04/20	169	PROCESSING FEE	WEEKLY DRAW	000				
05/05/20	043	CANTEEN SALES	21320200504	000			\$0.19	\$1,167.86
05/05/20	348	JPAY MEDIA W/D	000070297555	000			\$15.77	\$1,152.09
05/07/20	230	JPAY MEDIA W/D	000070555362	000			\$20.00	\$1,132.09
05/08/20	374	JPAY DEPOSIT	116060146	000			\$10.00	\$1,122.09
05/11/20	165	PROCESSING FEE	WEEKLY DRAW	000			\$25.00	\$1,147.09
05/12/20	043	CANTEEN SALES	21320200511	000			\$0.16	\$1,146.93
05/12/20	321	JPAY MEDIA W/D	000071086264	000			\$24.40	\$1,122.53
05/15/20	183	JPAY DEPOSIT	116370843	000			\$10.00	\$1,112.53
05/15/20	186	JPAY DEPOSIT	116380761	000	HENSLEY, HOLLY JR..		\$50.00	\$1,162.53
05/15/20	199	JPAY MEDIA W/D	000071552076	000	HENSLEY, HOLLY JR..		\$50.00	\$1,262.53
05/18/20	165	PROCESSING FEE	WEEKLY DRAW	000			\$50.00	\$1,212.53
05/18/20	244	JPAY DEPOSIT	116488989	000			\$0.24	\$1,212.29
05/18/20	252	JPAY DEPOSIT	116511755	000	KOSTELIJK, ASTRID JR.		\$29.00	\$1,212.29
05/19/20	043	CANTEEN SALES	21320200518	000	KOSTELIJK, ASTRID JR..		\$33.05	\$1,274.34
05/25/20	161	PROCESSING FEE	WEEKLY DRAW	000			\$40.66	\$1,233.68
05/26/20	159	JPAY DEPOSIT	116804401	000	KOSTELIJK, ASTRID JR.		\$0.41	\$1,233.27
05/27/20	043	CANTEEN SALES	21320200526	000			\$39.00	\$1,272.27

FLORIDA DEPARTMENT OF CORRECTIONS
 TRUST FUND ACCOUNT STATEMENT
 FACILITY: 213 - UNION C.I.
 FOR: 04/01/2020 - 04/30/2020

ACCT NAME: MERCK, TROY JR..
 BED: P2113S
 PO BOX:
 ACCT#: 118167
 TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
04/01/20	043	CANTEEN SALES	21320200331	000		-	\$15.67	\$1,209.53
04/06/20	167	PROCESSING FEE	WEEKLY DRAW	000			\$0.16	\$1,209.37
04/07/20	287	JPAY DEPOSIT	114510456	000	BARKER, HELEN E. JR..	+	\$47.00	\$1,256.37
04/08/20	043	CANTEEN SALES	21320200407	000		-	\$19.79	\$1,236.58
04/08/20	185	JPAY DEPOSIT	114565687	000	MOUNT, CHARLOTTE J. JR	+	\$25.00	\$1,261.58
04/13/20	163	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.20	\$1,261.38
04/14/20	043	CANTEEN SALES	21320200413	000			\$15.96	\$1,245.42
04/15/20	247	JPAY DEPOSIT	114893495	000	HENSLEY, HOLLY JR..	+	\$50.00	\$1,295.42
04/17/20	257	JPAY MEDIA W/D	000067928754	000		-	\$20.00	\$1,275.42
04/20/20	163	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.16	\$1,275.26
04/21/20	043	CANTEEN SALES	21320200420	000		-	\$21.04	\$1,254.22
04/21/20	191	INDIVIDUAL CHEC	0693653	000	SKYWORTH ELECTRONICS	-	\$100.00	\$1,154.22
04/24/20	199	JPAY DEPOSIT	115321026	000	REVIS, TINA JR..	+	\$33.05	\$1,187.27
04/27/20	165	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.21	\$1,187.06
04/28/20	043	CANTEEN SALES	21320200427	000		-	\$19.01	\$1,168.05

BEGINNING BALANCE 04/01/20 \$1,225.20
 ENDING BALANCE 04/30/20 \$1,168.05

05/01/20
 06:11:13
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