

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

HERMINIO REYES, Petitioner,

vs.

STATE OF GEORGIA, Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

COMES NOW the Petitioner, Mr. Herminio Reyes; and, pursuant to Sup. Ct. Rule 39.1, asks for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

- 1) In pre-trial and trial proceedings, Petitioner was represented by appointed counsel due to his indigent status. *See*, O.C.G.A. § 15-1-5; Uniform Superior Court Rule 29.2; Hawkins v. State, 222 Ga. App. 461 (1996).
- 2) The Gwinnett County Superior Court in Georgia appointed the undersigned to represent Petitioner on appeal. *See*, O.C.G.A. § 15-1-5; Uniform Superior Court Rule 29.2. A copy of the appointment order is attached as Exhibit 1.
- 3) Petitioner remains indigent and wishes to pursue a writ of certiorari from this Court to the Supreme Court of Georgia, which affirmed his judgment

of conviction on August 10, 2020 and denied his motion for reconsideration on September 8, 2020.

WHEREFORE, Mr. Herminio Reyes asks this Court to grant his motion and allow him to proceed *in forma pauperis*.

Dated this 5th day of February, 2021.

Respectfully submitted,



FRANCES KUO
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Counsel for Mr. Herminio Reyes

EXHIBIT 1

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

STATE OF GEORGIA) CRIMINAL ACTION
) FILE NUMBER 18-B-01333-10
v.)
HERMINIO N. REYES)
Defendant)
)

APPOINTMENT OF COUNSEL FOR INDIGENT PERSON
FOR PURPOSES OF APPEAL & POST TRIAL MATTERS

The person named above has satisfied the court that s/he is financially unable to employ an attorney and does not waive an attorney for the purposes of appellate review.

Henceforth, the attorney designated below shall represent the person and the appointment shall remain in effect through all courts in the circuit until the case is completed or another attorney is appointed by the Court or retained.

Said appointed counsel to replace former trial counsel, Donald P. Geary whose motion to withdraw is hereby granted.

Frances Kuo
GA Bar No. 430440
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125 E. Trinity Place
Decatur, GA 30030
(404) 378-1241 (office)

SO ORDERED this 2nd day of November, 2018.



Warren Davis, Judge
Gwinnett Superior Court

FILED IN OFFICE
CLERK, SUPERIOR COURT
GWINNETT COUNTY, GA

2018 NOV -2 PM 1:51

RICHARD ALEXANDER, CLERK

cc:DA's Office, Appointed Attorney, former counsel, Defendant, AOC