

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,

A handwritten signature in black ink that reads "Frances Kuo". The signature is fluid and cursive, with the first letter of "Frances" being a large, stylized "F" and the last letter of "Kuo" being a long, sweeping horizontal stroke.

FRANCES KUO

Supreme Court Bar No. 299215

Frances Kuo

214 Executive Building

125 East Trinity Place

Decatur, GA 30030

Tel: (404) 378-1241

kuoappeal@gmail.com

Counsel for Mr. Herminio Reyes

AD

## STATE OF GEORGIA

**v.**

**HERMINIO N. REYES**  
Defendant

CRIMINAL ACTION  
FILE NUMBER 18-B-01333-10

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**  
**214 Executive Building**  
**125 E. Trinity Place**  
**Decatur, GA 30030**  
**(404) 378-1241 (office)**

SO ORDERED this 2<sup>nd</sup> day of November, 2018.

FILED IN OFFICE  
CLERK SUPERIOR COURT  
WINNETT COUNTY, GA  
2018 NOV -2 PM 1:51  
RICHARD ALEXANDER, CLERK

**Warren Davis, Judge  
Gwinnett Superior Court**

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