

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 2020

ALBERTO JULIO GARCIA

Petitioner,

vs.

STATE OF MISSISSIPPI,

Respondent

**THIS IS A CAPITAL [DEATH PENALTY] CASE**

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

The petitioner, ALBERTO JULIO GARCIA, through counsel, asks leave to file the Petition for Writ of Certiorari tendered herewith to the Supreme Court of Mississippi without prepayment of costs and to proceed *in forma pauperis*. As per the attached order, Petitioner was declared indigent and proceeded *in forma pauperis* on appeal in the State of Mississippi. In accordance with that status, the Petitioner was represented in the Supreme Court of Mississippi by the Capital Defense Counsel Division of the Mississippi State Public Defender pursuant to Miss. Code Ann §§ 99-18-3 through 17 providing for the representation of indigent persons on direct appeal in matters in which the death penalty has been imposed. *Id.* at §§ 99-18-5, -7. For purposes of Supreme Court Rule 39, the cited provisions constitute “the provision of law under which counsel was appointed” for an “indigent party” in the Mississippi Supreme Court.

SO MOVED, this 8th day of February, 2021.

Respectfully submitted,

ALBERTO JULIO GARCIA, Petitioner

By: s/ André de Gruy.  
Counsel of Record for Petitioner

André de Gruy\*  
Alison Steiner  
Office of the State Public Defender  
Capital Defense Counsel Division  
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Counsel for Petitioner  
\*Counsel of Record

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

STATE OF MISSISSIPPI

VERSUS

CAUSE NO.: B2401-15-500

ALBERTO JULIO GARCIA

DEFENDANT

**ORDER ALLOWING *IN FORMA PAUPERIS* APPEAL**

THIS DAY this cause came on for consideration on the *Motion* of the Defendant to proceed with his appeal *in forma pauperis*. The Defendant ALBERTO JULIO GARCIA seeks leave of the Court to appeal *in forma pauperis* from the jury's verdict and other matters in this case. He has filed a *Notice of Appeal* with the Harrison County Circuit Court indicating that he seeks to proceed *in forma pauperis*. The Defendant proceeded at the trial level *in forma pauperis* and was represented by the Office of the Public Defender herein. There is nothing in this record which indicates any change in the Defendant's status with respect to this issue. The Court will allow the Defendant to proceed *in forma pauperis* as he is qualified as a pauper pursuant to the applicable statutes and rules. It is therefore,

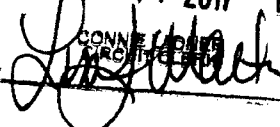
ORDERED, that the Defendant ALBERTO JULIO GARCIA is hereby granted leave to proceed with his appeal in this cause *in forma pauperis*.

SO ORDERED, this the 11<sup>th</sup> day of April, 2017.

  
CIRCUIT COURT JUDGE

*Copy To:*

Angela Broun Blackwell  
Public Defender's Office

FILED  
APR 11 2017  
BY:  D.C.