

ORIGINAL

No.

20-7331

FILED

JAN 26 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

KEVIN MONTIN — PETITIONER
(Your Name)

VS.

RICHARD BROWN ET AL — 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):

Both court (1) District court and (2) seventh circuit deny motion to proceed in forma pauperis

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

☒ 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: NA

☐ The appointment was made under the following provision of law: _____
NA, or

☐ a copy of the order of appointment is appended. NA

K. MONTIN
(Signature)

~~20-7331~~ 44

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

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

 45

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
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA

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
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA

4. How much cash do you and your spouse have? \$ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
NA	\$ NA	\$ NA
NA	\$ NA	\$ NA
NA	\$ NA	\$ NA

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value NA

☐ Other real estate
Value NA

☐ Motor Vehicle #1
Year, make & model NA
Value NA

☐ Motor Vehicle #2
Year, make & model NA
Value NA

☐ Other assets
Description NA
Value NA

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>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</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>NA</u>	\$ <u>NA</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>NA</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>NA</u>	\$ <u>NA</u>
Food	\$ <u>NA</u>	\$ <u>NA</u>
Clothing	\$ <u>NA</u>	\$ <u>NA</u>
Laundry and dry-cleaning	\$ <u>NA</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>NA</u>	\$ <u>NA</u>

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

~~48~~ ~~48~~ 48

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? *Attached*

☐ Yes ☒ No If yes, describe on an attached sheet.

NA

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? *NA*

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

NA

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? *NA*


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


NA

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

*MARTIN IS A POOR MAN BUT MY FEDERAL RIGHT
BEEN VIOLATION UNDER 14-AMENDMENT SIXTH AMENDMENT
TO UNFAIR TRIAL BECAUSE THE STATE CHEATED.*

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

Executed on: *Feb 22* , 20 *21*

14 
(Signature)

  *49*

no, " USCA7 - no 2015-18-20-1727

In the
supreme court of the united state's

KEVIN L martin # 169789
petitioner

cause,

✓
Richard Brown Et al
respondents

Declaration of KEVIN martin, " In support
of motion, To proceed in forma pauperis

KEVIN L martin to US 1746 declare's
As Follow's.

(1-) Do BLACK life matter in the court
system deal with Fair, procedures under
14 Amendment Equal-protection Apply if
martin Fundamental right ARE EXAMINED
in the substantive due process whether
the government must waive's such Fee's
For indigent's depends on the nature of
the right involved.

(2) good cause, For this court to
attention martin was wrongful conviction
by system who took Advantage of
martin incompetency because martin
do not understand the procedures

50

but must do his best to explain the injustice he been harm by conspiracy between trial and appellate counsel and state judge if martin is tried and convicted but if later appears he was incompetent to stand trial, the judge's failure to raise the issue or to request a determination of competency does not constitute a "waiver" see *Patel v. Robinson* 383 US 375 (1966.)

(3) martin notes A relief can be grant just like upon grant of certiorari to review Louisiana court of appeal denial of state post-conviction relief to non-capital prisoner SEE *Smith v. Louisiana* 564 US 604-2011) Court held that prosecution committed Brady Error by failing to turn-over detective notes containing statements by eyewitness that he could not identify perpetrator and could give only very general description prejudice prong of this if this court deny motion of petitioner for leave to proceed granted if deny martin justice, HERE,

(4) proof of service, with to address
(1) Attorney General court Hill 302 west Washington St Indianapolis IN 46204

(2) Attorney General united state Atty General
5116 Department of Justice 950 Pennsylvania
AVE Washington DC 20530

(3.) Deputy solicitor General of the United States
5616 Department of Justice
950 Pennsylvania Ave NW Washington DC
20530-0001-

(5) This may reach Martin case on the merit of a procedurally barred claim only if Martin can show either cause for the default and prejudice from the alleged violation of Federal law and Martin are innocent is why the prosecutor introduced McFadden as the person who open the door for the victim was false evidence had a McFadden testify falsely and stood by silently while McFadden lied on the stand and Martin can show a pattern of abuse HERE with any wellfenger, lied on the stand about him test the projectile in this case not true SEE
Giglio v US 405 US 150 1972)
or Napue v Illinois 360 US 264 1959) might apply
Martin notes cause must be something external to the petitioner something that cannot fairly be attributed to Martin SEE Coleman v Thompson 501 US 722, 750 1991) The prison staff lost Martin document mean transcripts and record he obtain by use public record act (PRA) Indiana code 5-14.3-1
ET SEQ EXCUSE why Martin could
() 52

inquire into ISSUE at his post conviction hearing SEE App page 23-) & k + 47)
relevant in part BECAUSE martin show
all the cause why he should be Excuse
to move further in this procedures.

(6) martin AFFIRM he have Arthritis
in his right hand that his write hand
my hand LOCK up health problem AND
going blank in his left eye make
it hard to SEE AND reading AND this
interference with martin Access to
the court. SEE Kevin martin V
doctor Byrd Etal 219-CV-00552-JMS
Dip-) deprive martin of First and
14. Amendment Equal-protection SEE
Edmanson V Leeville concrete CO INC
860 F 2d 1308 5th cir 1988) the
principle of Equal protection Applies
to governmental action in civil AS
well AS criminal actions.

RESPECTFULLY submit
I AFFIRM under the penalties for
perjury that the foregoing representations
ARE TRUE?

Feb 22
DATE [REDACTED] 2021

Kevin martin
name print
[Signature]

sign.

(S) [REDACTED] 53