

No.

IN THE SUPREME COURT OF THE UNITED STATES

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DONOVAN JONATHAN TILLMAN, PETITIONER

v.

STATE OF FLORIDA, RESPONDENT.

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*ON PETITION FOR A WRIT OF CERTIORARI TO  
THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA,  
FOURTH DISTRICT*

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PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

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COMES NOW Petitioner, Jonathan Donovan Tillman, and moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare him indigent and allow him to proceed in forma pauperis in this cause, in particular to waive any filing fees. As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the District Court of Appeal of the Fourth District of Florida affirming his convictions and sentences for sexual battery and other felonies.

2. Petitioner was declared indigent throughout the state court proceedings.

3. Petitioner has been incarcerated since his arrest in 2011 and has been indigent for all court proceedings since that time.

4. The state court below appointed the office of undersigned counsel for Petitioner as an indigent party pursuant to section 27.51, Florida Statutes.

5. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28

U.S.C. §1915(a).

6. Refusal to allow petitioner to proceed in forma pauperis would deny him equal protection of the law, meaningful access to the courts, and due process of law since he cannot otherwise get the review to which a more affluent defendant would be entitled. *See Burns v. Ohio*, 360 U.S. 252 (1959) (fees should be waived for discretionary appeal by indigent); *Smith v. Bennett*, 365 U.S. 708 (1961) (fees should be waived for indigent prisoner seeking state habeas relief).

WHEREFORE, petitioner moves that this Court declare him indigent and allow filing and prosecution of his petition without payment of any fees or costs.

Respectfully submitted,

CAROL STAFFORD

HAUGHWOUT

*Public Defender*

/s/ Gary Lee Caldwell

GARY LEE CALDWELL

*Assistant Public Defender*

*Counsel of Record*