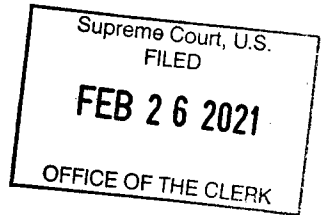


No **20-7400**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



DRASHAWN BARTLETT, Petitioner

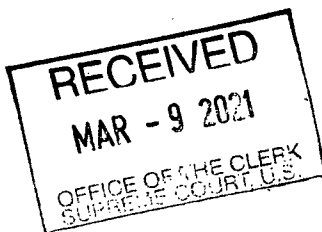
v.

ANNA VALENTINE, Warden, Respondent

ON PETITION FOR WRIT OF CERTIORARI TO
SIXTH CIRCUIT COURT OF APPEALS

MOTION TO PROCEED IN FORMA PAUPERIS

Drashawn Bartlett
Petitioner, KSR #209870
3001 W. Hwy 146
LaGrange, Kentucky 40032



Motion and Affidavit for Permission to Appeal In Forma Pauperis

Drashawn Bartlett
v.
Anna Valentine, Warden

Appeal No. 20-5580 (6th Cir.)
District Court or Agency No. 3:15-cv-366-RGJ

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: 

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 2-25-21

My issues on appeal are:

See Page 7

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>50.00</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Self-employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Gifts	\$ <u>300.00</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Alimony	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>

Child support	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Unemployment payments	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Other (specify): <u>E.I.P.</u>	\$ <u>1,800.00</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Total monthly income:	\$ <u>350.00</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>Ky. DOC</u>	<u>Frankfort, Ky.</u>	<u>2007-2021</u>	<u>\$50.00 avg.</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>KDOC</u>	<u>Prison</u>	\$ <u>0</u>	\$ <u>n/a</u>
<u> </u>	<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	<u> </u>	\$ <u> </u>	\$ <u> </u>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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

Not Applicable

Home (Value)	Other real estate (Value)	Motor vehicle #1 (Value)
n/a	n/a	Make & year: n/a
		Model:
		Registration #:
Motor vehicle #2 (Value)	Other assets (Value)	Other assets (Value)
Make & year: n/a	n/a	n/a
Model:		
Registration #:		

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
n/a	n/a	n/a

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
n/a	n/a	n/a

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ n/a
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)	\$200.00	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$100.00	\$ 0
Clothing	\$50.00	\$ 0

Laundry and dry-cleaning	\$ <u>8.00</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>3.00</u>	\$ <u>0</u>
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>20.00</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>0</u>	\$ <u>0</u>
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in Mortgage payments) (specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card (name): _____	\$ <u>0</u>	\$ <u>0</u>
Department Store (name): _____	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>381.00</u>	\$ <u>0</u>

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

☐ Yes ☒ No

If yes, describe on an attached sheet.

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? \$ 0

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

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? \$ 0

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

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

Due to the substandard food provided by Aramark, I must supplement my diet with food purchases from the canteen. I have to pay copy and postage fees. I have to maintain communication with my family and must money placed on my phone debit card and JPay.

13. State the address of your legal residence.

Kentucky State Reformatory
3001 W. Hwy 146

Your daytime phone number: (502) 222-9441

Your age: 39 Your years of schooling: GED

KY DOC
REPORT NO. IBSR180 - 35

6 MONTH AVERAGE INCOME STATEMENT

PAGE: 1 of 1

PROCESSED: 02/18/2021 11:40

FROM: 09/2020 TO: 02/2021

REQUESTOR: Andrea Tibbitts

DOC #: 209870

INMATE NAME: Bartlett, Drashawn

SSN: 407-17-3709

	Deposit Detail	Total Deposit
FOR MONTH: September, 2020		
State Pay Earned	\$50.82	
Deposit Money into Inmate Acct.	\$40.00	
		\$90.82
FOR MONTH: October, 2020		
Deposit Type: Deposit Money into Inmate Acct.	\$50.00	
Deposit Money into Inmate Acct.	\$50.00	
State Pay Earned	\$50.82	
Deposit Money into Inmate Acct.	\$300.00	
		\$450.82
FOR MONTH: November, 2020		
Deposit Type: State Pay Earned	\$53.24	
Deposit Money into Inmate Acct.	\$300.00	
Deposit Money into Inmate Acct.	\$300.00	
Deposit Money into Inmate Acct.	\$300.00	
Deposit Money into Inmate Acct.	\$10.00	
		\$963.24
FOR MONTH: December, 2020		
Deposit Type: Deposit Money into Inmate Acct.	\$10.00	
Christmas/Summer/Other Bonus Money	\$10.00	
State Pay Earned	\$41.14	
Deposit Money into Inmate Acct.	\$1,200.00	
		\$1,261.14
FOR MONTH: January, 2021		
Deposit Type: Deposit Money into Inmate Acct.	\$600.00	
State Pay Earned	\$55.66	
		\$655.66
FOR MONTH: February, 2021		
		\$0.00
TOTAL AMOUNT :		\$3,421.68
6 MONTH AVERAGE:		\$570.28

FROM THE OFFICE OF
K.S.R.
INMATE ACCOUNTS

QUESTIONS PRESENTED

In a case involving the substantive offenses of murder and robbery, can the offense of robbery be included as an element in a felony murder instruction resulting in a guilty verdict, then presented separately in a jury instruction for robbery with a firearm, also resulting in a guilty verdict - without violating the Double Jeopardy Clause of the Fifth Amendment?

Did the Sixth Circuit abrogate the intent of 28 U.S.C. § 2253(c) when it failed to apply this Court's precedent of Harris v. Oklahoma that "a subsequent prosecution for robbery with a firearm was barred by the Double Jeopardy Clause because the Defendant had already been tried for felony murder based on the same underlying felony" to the same facts present here?

Does U.S. CONST. art. III, § 2, cl.1, mandate this Court address the important public interest of Double Jeopardy proscriptions against the States, when the lower Federal courts have impermissibly given the State court decision deference when that decision is the very antithesis of Harris v. Oklahoma?