

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

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In The  
Supreme Court of the United States

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MICHAEL D. JOHNSON,  
*Petitioner*

vs.

INDIANA,  
*Respondent*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
SUPREME COURT OF INDIANA

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

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The petitioner, Michael D. Johnson, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Mr. Johnson avers that he cannot afford representation of counsel before this Court. He was found indigent and represented by court-appointed counsel before the Madison County Circuit Court, Indiana Court of Appeals, and Indiana Supreme Court, pursuant to Ind. Code § 33-40-7-9.

In support of this petition, Mr. Johnson submits several relevant Docket Entries from his Indiana case docket; the court named appointed counsel in these Entries in lieu of written orders.

Respectfully Submitted,



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*Counsel of Record for Petitioner*

## Docket Entries Offered in Support of Petition

01/10/2017	<b>Hearing Journal Entry</b> This matter comes before the Court scheduled for trial readiness hearing. State appears by Deputy Prosecutor, T. Grey Chandler. Defendant appears in person and by counsel, Thomas Godfrey. Defendant is sworn and examined. Defendant requests a continuance in this matter and Mr. Godfrey orally request to be withdrawn as counsel. Comes now the Court and GRANTS said requests. Mr. Godfrey to submit a formal motion to withdraw. Defendant examined as to his ability to hire counsel. The Court appoints Alexander Newman to represent the Defendant herein. Jury trial is rescheduled for 5/17/2017 at 9:00 a.m. with a plea deadline of 5/9/17. Final pretrial conference and discovery deadline are rescheduled for 4/3/2017 at 1:00 p.m. Defendant is notified in open court and is ordered to appear. An informal pretrial conference, attorneys only, is scheduled for 3/3/17 at 9:00 a.m. (srm)  Judicial Officer: Warner Sims, Angela G. Present: Johnson, Michael D Present: Chandler, Thomas Grey Augustine Present: Godfrey, Thomas G. Hearing Date: 01/10/2017
01/10/2017	<b>Indigent Counsel Appointed at County Expense</b>

(Ind. Case No. 48C01-1602-F5-000402, Dkt. Entries Jan. 10, 2017.)

04/03/2019	<b>Hearing Journal Entry</b> This matter comes before the Court for sentencing hearing. State appears by Deputy Prosecutor, Jesse Miller. Defendant appears in the custody of the Madison County Sheriff and by counsel, Alexander Newman. Defendant is sworn & examined as to the Pre-Sentence Investigation Report and as to his previous failure to appear. Sentencing hearing held. For Count I: Dealing in a Look-A-Like Substance, a Level 5 Felony, the Defendant is sentenced to Indiana Department of Corrections for a period of 4 years. Credit for 40 accrued days (11/8/15-11/19/15; 3/19/18-3/26/18; 3/12/19-3/31/19) plus earned credit of 14 days. Defendant and Counsel acknowledge the accuracy of the accrued credit time as reported in open court. 365 days are ordered served at the Department of Corrections. The remaining 3 years are suspended to formal probation. Abstract of Judgment issued. Probation for 3 years with terms and conditions as set out in written sentencing and probation orders. Fees and costs assessed against the Defendant: court costs \$185; \$10 fine; \$100 administrative fee; and \$90 probation user fee. Defendant is ordered to report to Probation within 48 hours of release from incarceration. Defendant is advised of his right to appear. Defendant indicates he wishes to appear. Comes now the Court and appoints Paul Podlejski to perfect an appeal in this matter. Defendant is remanded back into the custody of the Sheriff. JUDGMENT. SENTENCING ORDER ISSUED. (srm)  Judicial Officer: Warner Sims, Angela G. Present: Johnson, Michael D Present: Newman, Thomas Alexander Joseph Present: Miller, Jesse Robert Hearing Date: 04/01/2019
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(Ind. Case No. 48C01-1602-F5-000402, Dkt. Entry Apr. 3, 2019.)

07/23/2020	<b>Petition Filed</b> Petition for Attorney Fees received and filed. Referred to Judge for review. (st)  Filed By: Johnson, Michael D File Date: 07/21/2020 Stamp:
07/31/2020	<b>Order Granting</b> Comes now the Court and GRANTS Petition for Attorney Fees. Forwarded to Court Administration for payment. (st)  Judicial Officer: Warner Sims, Angela G. Noticed: Podlejski, Paul J Order Date: 07/31/2020 Signed:

(Ind. Case No. 48C01-1602-F5-000402, Dkt. Entries July 23, 2020; July 31, 2020.)