

NO. _____
IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2020

SHANNON D. HIXON,

PETITIONER,

V.

UNITED STATES OF AMERICA,

RESPONDENT.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Shannon D. Hixon, pursuant to Sup. Ct. R. 39.1 respectfully moves for leave to file the accompanying petition for Writ of Certiorari in the Supreme Court of the United States without payment of costs and to proceed *in forma pauperis*.

Mr. Hixon was previously found financially unable to obtain counsel and the undersigned counsel was appointed as C.J.A. counsel to represent him pursuant to 18 U.S.C. § 3006A. Therefore, in reliance upon Rule 39.1 and § 3006A(d)(7), petitioner has not attached the affidavit which would otherwise be required by 28 U.S.C. § 1746. A copy of the undersigned's order of appointment in the United States District Court is attached as Exhibit 1.

Respectfully submitted,

/s/Patrick F. Nash
PATRICK F. NASH

Nash Marshall PLLC
129 West Short Street
Lexington, Kentucky 40507
(859) 254-3232

COURT APPOINTED COUNSEL OF RECORD FOR
PETITIONER SHANNON D. HIXON

Exhibit 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CRIMINAL MINUTES – INITIAL APPEARANCE-ARRAIGNMENT AND PLEA

Lexington Case No. 18-CR-145-DCR-MAS-1 At Lexington Date November 28, 2018

U.S.A. vs. Shannon D. Hixon x present custody x bond OR AGE

DOCKET ENTRY: The Court conducted Defendant's initial appearance, arraigned Defendant, and advised him of the pending charges and possible penalties. Upon a determination that Defendant qualifies for court appointed counsel, the Court appoints Patrick F. Nash to represent him under the Criminal Justice Act. Defendant waived formal arraignment and entered a not guilty plea. The Court accepts Defendant's plea.

A detention hearing was held in Michigan and Defendant was released on conditions. The United States orally moved for a review and appeal of the Michigan court's order under 18 U.S.C. § 3145. The Court **GRANTS** the Government's motion and, in consultation with counsel, scheduled a hearing before Judge Reeves. The United States did not request interim detention in advance of the hearing before Judge Reeves.

The United States advised compliance with the Crime Victims' Rights Act.

PRESENT: HON. MATTHEW A. STINNETT, UNITED STATES MAGISTRATE JUDGE

Susan Adkins
Deputy Clerk

Audio File No.
Court Reporter

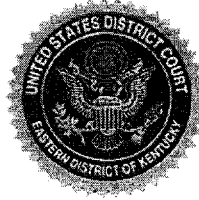
Roger West
Assistant U.S. Attorney

Counsel for Defendant Patrick F. Nash x present x appointed retained

I, Susan L. Adkins, Deputy Clerk, CERTIFY the official record of this proceeding is an audio file
KYED-LEX__5-18-cr-145-DCR-MAS-1_20181128_131124

PROCEEDINGS: **INITIAL APPEARANCE/ARRAIGNMENT**

- x Defendant received copy of Indictment.
- x Defendant states true name is as stated on the Indictment.
- Defendant executed and filed Waiver Appointment of Attorney.
- Defendant advised the Court that he/she will retain counsel.
- x Defendant requested that the Court appoint counsel.
- x Defendant executed and filed financial affidavit.
- x Court FINDS Defendant qualifies for court-appointed counsel under provision of CJA.
- x Court ordered Patrick F. Nash is appointed attorney under the CJA.
- x Court advised Defendant of constitutional rights pursuant to Rule 5, F. R. Cr. P.
- x Court advised Defendant of nature of charges and possible penalties.
- x The Court covered standard collateral consequences and notification rights tied to non-citizen status.
- x Defendant waives formal arraignment.
- x Defendant waives reading of Indictment - Information. Indictment - Information read.
- x Defendant pleads Guilty to Counts x Not guilty to Counts ALL
- x Court assigns this matter for **DETENTION HEARING** at a time to be determined by Hon. Danny C. Reeves.
- x Parties shall file PRETRIAL MOTIONS pursuant to the Court's pretrial order to be entered.
- x Court assigned for **JURY TRIAL** on January 30, 2019, at 9:30 a.m., counsel to appear at 9:00 a.m., before Judge Danny C. Reeves in Lexington, Kentucky.
- x Number of days expected for trial 5.
- x Defendant on bond conditions.
- Court remanded Defendant to custody.
- USPO to circulate PSR to counsel. Counsel may retain PSR while detention issues pend but may not copy or disseminate the report to any person (except defense counsel can share content with Defendant).



Signed By:

Matthew A. Stinnett

MAS

United States Magistrate Judge

Copies: COR, USP, USM, D, JC

Initials of Deputy Clerk sla

TIC: 0/.15