

No. _____

(CAPITAL CASE)

IN THE
Supreme Court of the United States

RODERICK NAPOLEON HARRIS,
Petitioner,

v.

TEXAS,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner, Roderick Napoleon Harris, seeks leave to file the petition for a writ of certiorari submitted herewith without prepayment of costs and to proceed in forma pauperis. Mr. Harris, currently incarcerated on Texas's death row, is represented by the undersigned, on a purely pro bono basis, and the Office of Capital and Forensic Writs, a state public defender agency charged with representing indigent individuals in state post-conviction proceedings.

In 2009, the Criminal District Court No. 7, Dallas County, Texas, found that Mr. Harris was indigent, and provided him court-appointed counsel at trial because he is indigent. Following his conviction and death sentence, Mr. Harris continued

to be represented by court-appointed counsel because he is indigent. Pursuant to the attached Order, on May 22, 2012, the Criminal District Court No. 7, Dallas County, Texas, found that Mr. Harris was indigent and therefore appointed the Office of Capital Forensic Writs as his post-conviction counsel. The Texas courts later granted the undersigned leave to appear as pro bono counsel to represent Mr. Harris, together with the Office of Capital Forensic Writs.

Mr. Harris has been granted leave to proceed in forma pauperis throughout the entire history of the state post-conviction matter, including in proceedings below before the Texas Court of Criminal Appeals.

Wherefore, Mr. Harris moves this Court for leave to file the petition for writ of certiorari submitted herewith in forma pauperis.

Respectfully submitted,

<p>GWENDOLYN C. PAYTON <i>Counsel of Record</i> JOHN R. NEELEMAN KILPATRICK TOWNSEND & STOCKTON LLP 1420 Fifth Avenue Suite 3700 Seattle, WA 98101 (206) 626-7714 gpayton@kilpatricktownsend.com jneeleman@kilpatricktownsend.com</p>	<p>ADAM H. CHARNES KILPATRICK TOWNSEND & STOCKTON LLP 2001 Ross Avenue Suite 4400 Dallas, TX 75201 (214) 922-7106 acharnes@kilpatricktownsend.com</p>
<p>Benjamin Wolff OFFICE OF CAPITAL AND FORENSIC WRITS 1700 N. Congress Avenue Suite 460 Austin, Texas 78701 (512) 463-8600 Benjamin.Wolff@ocfw.texas.gov</p>	

CAUSE NO. F09-00409

THE STATE OF TEXAS § CRIMINAL DISTRICT COURT
VS. § NO. 7
RODERICK N. HARRIS § DALLAS COUNTY, TEXAS

ORDER AND NOTICE

The above named defendant was convicted of capital murder and sentenced to death on May 21, 2012. The Court finds that the defendant is indigent and desires to have counsel appointed for the purpose of a writ of habeas corpus under Art. 11.071, Texas Code of Criminal Procedure.

Therefore, the Court hereby appoints the Office of Capital Writs and Director Brad D. Levenson as counsel for defendant to investigate the case, file the appropriate writ, and represent the defendant fully. Following the Motion for New Trial, trial defense counsel are relieved of their representation of Mr. Harris.

The District Clerk is hereby ordered to forward a copy of this Order and Notice to the Office of Capital Writs and to the Court of Criminal Appeals. Appointed counsel's address is as follows:

Brad D. Levenson
Office of Capital Writs
Stephen F. Austin Building
1700 N. Congress Avenue, Suite 460
Austin, Texas 78711
512-463-8502 – Direct
512-463-8590 – Fax
Brad.Levenson@ocw.texas.gov

So ordered this 22 day of May 2012.


Michael Snipes
Presiding Judge
Criminal District Court No. 7