

Appendix A

October 4, 2021 habeas denied

In re Harris, 2021 U.S. LEXIS 4768
Copy Citation

Supreme Court of the United States

October 4, 2021, Decided
No. **21-5256**.

Reporter
2021 U.S. LEXIS 4768 *

In Re Isaiah S. Harris, Sr., Petitioner.

Judges: [*1] Roberts, Thomas, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, Barrett.

Opinion

Petition for writ of habeas corpus denied.

Appendix B

Sixth Circuit order

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Sep 28, 2017

DEBORAH S. HUNT, Clerk

ISIAH HARRIS,)
Petitioner-Appellant,)
v.)
DAVE MARQUIS, Warden,)
Respondent-Appellee.)

ORDER

Isaiah Harris, a pro se Ohio prisoner, appeals the district court's judgment dismissing his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Harris moves the court for a certificate of appealability (COA) and to proceed in forma pauperis on appeal.

In May 2009, Harris was convicted after a bench trial of domestic violence, violating a protection order, rape, aggravated burglary, and intimidation. The trial court sentenced Harris to an aggregate term of twenty-three-and-a-half years of imprisonment. The Ohio Court of Appeals affirmed Harris's convictions, *State v. Harris*, Nos. 09CA009605, 09CA009606, 09CA009607, 2010 WL 1016035 (Ohio Ct. App. Mar. 22, 2010), and the Ohio Supreme Court denied leave to appeal, *State v. Harris*, 932 N.E.2d 339 (Ohio 2010). Harris did not seek state post-conviction relief.

In April 2014, Harris filed a § 2254 petition, and in February 2015 a supplement to the petition, raising a total of five claims: (1) he is actually innocent of the crimes of conviction; (2) the evidence was insufficient to find him guilty beyond a reasonable doubt; (3) the habeas statute of limitations should be equitably tolled; (4) and (5) he received ineffective assistance of appellate counsel. Over Harris's objections, the district court adopted a magistrate judge's report

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and recommendation that concluded that Harris's claims were barred by the one-year 28 U.S.C. § 2244(d)(1) statute of limitations and that Harris was not entitled to equitable tolling based on his asserted inability to access the prison law library or his claim of actual innocence. The district court declined to issue a COA.

When a district court denies a habeas petition on procedural grounds, the court may issue a certificate of appealability only if the applicant shows "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Harris's claims are untimely under § 2244(d)(1)(A) because he filed his petition in 2014, more than one year after his convictions became final in November 2010, when his time for filing a petition for a writ of certiorari in the United States Supreme Court expired. *See Payton v. Brigano*, 256 F.3d 405, 409 n.3 (6th Cir. 2001). Harris does not argue that his petition is timely under any other provision of § 2244(d)(1). Reasonable jurists therefore would not debate the district court's conclusion that Harris's petition is barred by the statute of limitations.

The statute of limitations is not jurisdictional, however, and may be equitably tolled by the court upon a credible showing of actual innocence by the petitioner. *See Souter v. Jones*, 395 F.3d 577, 588-89 (6th Cir. 2005). The petitioner must support his actual innocence claim with new, reliable evidence that establishes that it is more likely than not that no reasonable juror would have found him guilty beyond a reasonable doubt. *See Cleveland v. Bradshaw*, 693 F.3d 626, 633 (6th Cir. 2012). Harris's actual innocence claim is based on allegedly newly discovered evidence that the victim in the case, his former girlfriend K.T., had falsely accused him of domestic violence in the past. Harris claims that the prosecution failed to disclose this evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), that it could have been used to impeach K.T. at trial, and that he probably would not have been convicted because the outcome of his trial hinged on her credibility. The district court concluded that Harris failed to make a credible showing of actual innocence.

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Although the trial record shows that the prosecution did not disclose to Harris that K.T. had previously made domestic violence allegations against him that the police determined were unfounded, the record also shows that Harris's attorney acquired this information independently before trial. Consequently, the prosecution's failure to disclose the impeaching evidence was harmless. *See Carter v. Bell*, 218 F.3d 581, 601 (6th Cir. 2000) (stating that there is no *Brady* violation if the information was available to the defendant from another source). Moreover, the trial judge permitted Harris to testify, albeit in a limited fashion, that K.T. had previously made false accusations against him. Additionally, K.T. admitted on cross-examination that she had previously lodged false domestic violence charges against Harris and that she was nearly charged with making a false complaint. Consequently, the allegedly new impeachment evidence is cumulative and does not show that it is more likely than not that no reasonable juror would have convicted Harris. *See Byrd v. Collins*, 209 F.3d 486, 518-49 (6th Cir. 2000). Reasonable jurists therefore would not debate the district court's conclusion that Harris is not entitled to equitable tolling of the statute of limitations because he has not made a credible showing of actual innocence.

Finally, reasonable jurists would not debate the district court's conclusion that Harris is not entitled to equitable tolling based on his asserted inability to access the prison law library while he was on lockdown status. *See Hall v. Warden, Lebanon Corr. Inst.*, 662 F.3d 745, 751 (6th Cir. 2011).

Accordingly, the court **DENIES** Harris's COA application and **DENIES** as moot his motion to proceed in forma pauperis.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

Page 3.

Appendix C

28 U.S.C. §2253(COA)

28 USCS § 2253

[Copy Citation](#)

Current through Public Law 117-42, approved September 30, 2021.

- [United States Code Service](#)
- [TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE \(§§ 1 — 5001\)](#)
- [Part VI. Particular Proceedings \(Chs. 151 — 190\)](#)
- [CHAPTER 153. Habeas Corpus \(§§ 2241 — 2256\)](#)

§ 2253. Appeal

(a) In a habeas corpus proceeding or a proceeding under section 2255 [28 USCS § 2255] before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

(c)

(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

(B) the final order in a proceeding under section 2255 [28 USCS § 2255].

(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

Appendix D

28 U.S.C. §2254 State Custody

28 USCS § 2254, Part 1 of 6

[Copy Citation](#)

Current through Public Law 117-42, approved September 30, 2021.

- [United States Code Service](#)
- [TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE \(§§ 1 — 5001\)](#)
- [Part VI. Particular Proceedings \(Chs. 151 — 190\)](#)
- [CHAPTER 153. Habeas Corpus \(§§ 2241 — 2256\)](#)

§ 2254. State custody; remedies in Federal courts

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

(b)

(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B)

(i) there is an absence of available State corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.

(c) An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented.

(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

(e)

(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a

State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

(A) the claim relies on—

(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

(f) If the applicant challenges the sufficiency of the evidence adduced in such State court proceeding to support the State court's determination of a factual issue made therein, the applicant, if able, shall produce that part of the record pertinent to a determination of the sufficiency of the evidence to support such determination. If the applicant, because of indigency or other reason is unable to produce such part of the record, then the State shall produce such part of the record and the Federal court shall direct the State to do so by order directed to an appropriate State official. If the State cannot provide such pertinent part of the record, then the court shall determine under the existing facts and circumstances what weight shall be given to the State court's factual determination.

(g) A copy of the official records of the State court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing such a factual determination by the State court shall be admissible in the Federal court proceeding.

(h) Except as provided in section 408 of the Controlled Substance Acts [21 USCS § 848], in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254 [28 USCS § 2254].

Appendix E

28 U.S.C. §2244(d)(1)(D)

28 USCS § 2244, Part 1 of 2

[Copy Citation](#)

Current through Public Law 117-42, approved September 30, 2021.

- [United States Code Service](#)
- [TITLE 28, JUDICIARY AND JUDICIAL PROCEDURE \(§§ 1 — 5001\)](#)
- [Part VI. Particular Proceedings \(Chs. 151 — 190\)](#)
- [CHAPTER 153. Habeas Corpus \(§§ 2241 — 2256\)](#)

§ 2244. Finality of determination

(a) No circuit or district judge shall be required to entertain an application for a writ of habeas corpus to inquire into the detention of a person pursuant to a judgment of a court of the United States if it appears that the legality of such detention has been determined by a judge or court of the United States on a prior application for a writ of habeas corpus, except as provided in section 2255 [28 USCS § 2255].

(b)

(1) A claim presented in a second or successive habeas corpus application under section 2254 [28 USCS § 2254] that was presented in a prior application shall be dismissed.

(2) A claim presented in a second or successive habeas corpus application under section 2254 [28 USCS § 2254] that was not presented in a prior application shall be dismissed unless—

(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)

(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

(3)

(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.

(c) In a habeas corpus proceeding brought in behalf of a person in custody pursuant to the judgment of a State court, a prior judgment of the Supreme Court of the United States on an appeal or review by a writ of certiorari at the instance of the prisoner of the decision of such State court, shall be conclusive as to all issues of fact or law with respect to an asserted denial of a Federal right which constitutes ground for discharge in a habeas corpus proceeding, actually adjudicated by the Supreme Court therein, unless the applicant for the writ of habeas corpus shall plead and the court shall find the existence of a material and controlling fact which did not appear in the record of the proceeding in the Supreme Court and the court shall further find that the applicant for the writ of habeas corpus could not have caused such fact to appear in such record by the exercise of reasonable diligence.

(d)

(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Appendix F

Rule 20

USCS Supreme Ct R 20

Copy Citation

Current through changes received September 9, 2021.

- [USCS Federal Rules Annotated](#)
- [Rules of the Supreme Court of the United States](#)
- [Part IV. Other Jurisdiction](#)

Rule 20. Procedure on a Petition for an Extraordinary Writ

1. Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. § 1651(a) is not a matter of right, but of discretion sparingly exercised. To justify the granting of any such writ, the petition must show that the writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.
2. A petition seeking a writ authorized by 28 U.S.C. § 1651(a), § 2241, or § 2254(a) shall be prepared in all respects as required by Rules 33 and 34. The petition shall be captioned "*In re* [name of petitioner]" and shall follow, insofar as applicable, the form of a petition for a writ of certiorari prescribed by Rule 14. All contentions in support of the petition shall be included in the petition. The case will be placed on the docket when 40 copies of the petition are filed with the Clerk and the docket fee is paid, except that a petitioner proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2, together with a motion for leave to proceed *in forma pauperis*, a copy of which shall precede and be attached to each copy of the petition. The petition shall be served as required by Rule 29 (subject to subparagraph 4(b) of this Rule).

3.

(a) A petition seeking a writ of prohibition, a writ of mandamus, or both in the alternative shall state the name and office or function of every person against whom relief is sought and shall set out with particularity why the relief sought is not available in any other court. A copy of the judgment with respect to which the writ is sought, including any related opinion, shall be appended to the petition together with any other document essential to understanding the petition.

(b) The petition shall be served on every party to the proceeding with respect to which relief is sought. Within 30 days after the petition is placed on the docket, a party shall file 40 copies of any brief or briefs in opposition thereto, which shall comply fully with Rule 15. If a party named as a respondent does not wish to respond to the petition, that party may so advise the Clerk

and all other parties by letter. All persons served are deemed respondents for all purposes in the proceedings in this Court.

4.

(a) A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U.S.C. §§ 2241 and 2242, and in particular with the provision in the last paragraph of § 2242, which requires a statement of the "reasons for not making application to the district court of the district in which the applicant is held." If the relief sought is from the judgment of a state court, the petition shall set out specifically how and where the petitioner has exhausted available remedies in the state courts or otherwise comes within the provisions of 28 U.S.C. § 2254(b). To justify the granting of a writ of habeas corpus, the petitioner must show that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court. This writ is rarely granted.

(b) Habeas corpus proceedings, except in capital cases, are *ex parte*, unless the Court requires the respondent to show cause why the petition for a writ of habeas corpus should not be granted. A response, if ordered, or in a capital case, shall comply fully with Rule 15. **Neither the denial of the petition, without more, nor an order of transfer to a district court under the authority of 28 U.S.C. § 2241(b), is an adjudication on the merits, and therefore does not preclude further application to another court for the relief sought.**

5. The Clerk will distribute the documents to the Court for its consideration when a brief in opposition under subparagraph 3(b) of this Rule has been filed, when a response under subparagraph 4(b) has been ordered and filed, when the time to file has expired, or when the right to file has been expressly waived.

6. If the Court orders the case set for argument, the Clerk will notify the parties whether additional briefs are required, when they shall be filed, and, if the case involves a petition for a common-law writ of certiorari, that the parties shall prepare a joint appendix in accordance with Rule 26.

Appendix G

Rule 44

USCS Supreme Ct R 44

[Copy Citation](#)

Current through changes received September 9, 2021.

- [USCS Federal Rules Annotated](#)
- [Rules of the Supreme Court of the United States](#)
- [Part VIII. Disposition of Cases](#)

Rule 44. Rehearing

1. Any petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment or decision, unless the Court or a Justice shortens or extends the time. The petitioner shall file 40 copies of the rehearing petition and shall pay the filing fee prescribed by Rule 38(b), except that a petitioner proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2. The petition shall state its grounds briefly and distinctly and shall be served as required by Rule 29. The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). A copy of the certificate shall follow and be attached to each copy of the petition. A petition for rehearing is not subject to oral argument and will not be granted except by a majority of the Court, at the instance of a Justice who concurred in the judgment or decision.
2. Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial and shall comply with all the form and filing requirements of paragraph 1 of this Rule, including the payment of the filing fee if required, but its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. The time for filing a petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ will not be extended. The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). The certificate shall be bound with each copy of the petition. The Clerk will not file a petition without a certificate. The petition is not subject to oral argument.
3. The Clerk will not file any response to a petition for rehearing unless the Court requests a response. In the absence of extraordinary circumstances, the Court will not grant a petition for rehearing without first requesting a response.
4. The Clerk will not file consecutive petitions and petitions that are out of time under this Rule.
5. The Clerk will not file any brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing.

6. If the Clerk determines that a petition for rehearing submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition for rehearing submitted in accordance with Rule 29.2 no more than 15 days after the date of the Clerk's letter will be deemed timely. (Amended effective October 1, 2007; further amended effective February 16, 2010; amended effective July 1, 2013.)

Appendix H

U.S. Const. Amend. 5th, 6th, and 14th

USCS Const. Amend. 5, Part 1 of 13

[Copy Citation](#)

Current through the ratification of the 27th Amendment on May 7, 1992.

- [United States Code Service](#)
- [Amendments](#)
- [Amendment 5 Criminal actions—Provisions concerning—Due process of law and just compensation clauses.](#)

Amendment 5 Criminal actions—Provisions concerning—Due process of law and just compensation clauses.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

USCS Const. Amend. 6, Part 1 of 17

[Copy Citation](#)

Current through the ratification of the 27th Amendment on May 7, 1992.

- [United States Code Service](#)
- [Amendments](#)
- [Amendment 6 Rights of the accused.](#)

Amendment 6 Rights of the accused.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

USCS Const. Amend. 14, Part 1 of 15

[Copy Citation](#)

Current through the ratification of the 27th Amendment on May 7, 1992.

- [United States Code Service](#)
- [Amendments](#)
- [Amendment 14](#)

Amendment 14

Sec. 1. [Citizens of the United States.] All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. [Representatives—Power to reduce apportionment.] Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. [Disqualification to hold office.] No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. [Public debt not to be questioned—Debts of the Confederacy and claims not to be paid.] The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. [Power to enforce amendment.] The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Appendix I

Trial Transcripts (injustice on record)

1 A About 2002. March 27th, 2002.
2 Q And who is that?
3 A Isaiah, Jr.
4 Q And who is the father of that child?
5 A I am. Isaiah Harris, Sr.
6 Q And who is the mother?
7 A Kiesha Taylor.
8 Q Did you have any subsequent children together?
9 A Meaning more after that?
10 Q Yes.
11 A Yes.
12 Q Who are they?
13 A Jyana Shimira Harris and Imani Shimira Harris.
14 Q As we all sit here today, how old are the children?
15 A My son just turned 7, and my daughter is about to be
16 5 June 30th. And I got a 1 year-old that turned 1 January
17 3rd of this year.
18 Q Okay. Now, you were present in the courtroom during
19 all the testimony. Correct?
20 A Yes.
21 Q Explain to the Judge this problem that you have with
22 her telling you that she is sleeping around.
23 A It started out in 2002, you know, after four months
24 of giving my, having my first child, she slept with my
25 step-brother. That was the first problem.

1 MR PIERRE: Object to this testimony
2 regarding her previous sexual encounters.
3 THE COURT: Yes, I'm going to sustain
4 that. I don't think that was even the question, but I will
5 sustain that.
6 Q All of the incidents with Miss Taylor were involving
7 Lorain Police Department, correct?
8 A Yes, they were.
9 Q You have been falsely accused by her in the past.
10 Correct?
11 A Yes.
12 MR PIERRE: Objection.
13 A Yes, I was.
14 THE COURT: Hold on a second.
15 I'll allow it.
16 MR. RICH: I might as well put this
17 on this record. My issue with this is, once again, I
18 believe it was Brady material, because we are dealing with
19 the same parties, in the same city, with the same police
20 department, and there are three or four incidents with the
21 same people, in which it is very clear that there is
22 impeachable evidence with Ms. Taylor.
23 Once again, defense counsel has to do a
24 public records request. So I do have this information, but
25 that does not alleviate the State's burden to be providing,

1 exculpatory evidence. And when I say exculpatory evidence,
2 I mean, it is favorable to the defense. It is evidence
3 that I could impeach her with that I started to get into, a
4 degree in which I believe the Court will allow.

5 This is not a personal attack on Mr.

6 Pierre. My long-standing argument is I still believe that
7 the questions are not asked of the individual police
8 departments about impeachable or evidence or evidence
9 favorable to the defense. As I have been standing here
10 right now, I'm willing to argue I bet you Mr. Pierre
11 doesn't have personal knowledge these incidents and reports
12 exist, but by law he is deemed to have knowledge because of
13 the agents, the Lorain Police Department.

14 Once again, I feel there is favorable
15 information that was available that should have been
16 provided, and it wasn't.

17 THE COURT: Be this as it may, Mr.
18 Rich, what does that have to do with your question to him?

19 MR PIERRE: Am I going to get a chance

20 to respond to his Brady argument?

21 THE COURT: No, I think you have to sit
22 there and take it.

23 Mr. Rich, if there was ever a talking
24 response to an objection, that was certainly it, though it
25 didn't respond to the objection, which I did sustain.

1 Please move on.

2 Q You had been charged with Domestic Violence by her
3 in Lorain with the Lorain Police Department previously,
4 correct?

5 A Yes.

6 Q And the Lorain Police Department found out that her
7 allegations could not be true.

8 MR PIERRE: Objection.

9 A Yes.

10 THE COURT: Hold on a second.

11 When there is an objection, don't
12 answer. Don't do it again.

13 THE WITNESS: Sorry about that, sir.

14 THE COURT: Sustained.

15 MR PIERRE: Ask that answer be
16 stricken.

17 THE COURT: I am striking it from my
18 mind even as we speak.

19 MR PIERRE: Thank you, Judge.

20 Q Do you recall when she was going to be charged?

21 A It was 2007. While she was pregnant with my
22 daughter, she made some allegations, very serious
23 allegations.

24 MR PIERRE: I'm going to object again,
25 Your Honor.

1 incidents that we're in Court on he provided for your
2 children, correct?

3 A He did.

4 Q He was employed at the sten plant?

5 A He was.

6 Q And he even worked odd jobs? He worked at Burger
King for awhile, correct?

7 A That was back in 2002, 2003 when he worked there.

8 Q When he had children though, correct?

9 A Yes, he did.

10 Q He was trying to support them, correct?

11 A Yeah.

12 Q He is the father of all three of the children?

13 A Yes, he is.

14 Q And you are not disputing that he cares about you or
15 loves you, are you?

16 MR PIERRE: I'm going to object to that

17 question.

18 THE COURT: I'm going to sustain that.

19 Q Well, let me ask you this.

20 Do you understand how it would provoke somebody if
21 they loved you if you were telling them that you were

22 sleeping with another man?

23 MR PIERRE: Objection.

24 THE COURT: Overruled. Go ahead and

25

1 answer.

2 A I mean --

3 Q Yes? The answer to my question is yes? You could
4 understand how that could tend to maybe make somebody
5 upset, right?

6 A Yeah, but he still didn't have to do what he did.

7 Q I understand that. I understand what your complaint
8 is. But I'm saying you would agree with me how that could
9 provoke somebody or send somebody that would love you into
10 a rage?

11 A (Pause) No. Unh-unh. No.

12 Q Now, in regards to the June 30th allegation, you
13 claim you drove yourself to the hospital, correct?

14 A Yes, I did.

15 Q So you were able to drive there?

16 A Yeah. Barely, but --

17 Q Okay.

18 A I made it there.

19 Q And the argument in that issue became -- and tell us
20 what is significant about June 30th? Whose birthday is
21 that?

22 A That is my daughter Iyana's birthday.

23 Q And you would agree with me when Mr. Bennett swore
24 you in, you took an oath to tell the whole truth, right,
25 and not just part of the truth?

1 so --
2 Q And you lied to him about having this particular
3 boyfriend, did you not?
4 MR PIERRE: Objection. She answered
5 no.
6 A No.
7 THE COURT: Overruled. Answer the
8 question, ma'am.
9 A No.
10 Q So you told him you were sleeping with some guy from
11 Chicago?
12 A He was there. He had kicked the door in. I mean, ;
13 everything. He was knocking on the door.
14 Q The guy from Chicago?
15 A Yeah.
16 MR. RICH: One moment, Your Honor.
17 MR. RICH: Nothing further. Your
18 Honor, at this point.
19 THE COURT: Mr. Pierre, any questions?
20 MR PIERRE: Yes, Your Honor.
21 * * *
22

16 MR. RICH: One moment, Your Honor.
17 MR. RICH: Nothing further. Your
18 Honor, at this point.
19 THE COURT: Mr. Pierre, any questions?
20 MR PIERRE: Yes, Your Honor.
21 * * *
22

1 1
2 BY MR PIERRE:
3 Q Kiesha, you understand what consensual means,
4 correct?
5 A Yes..
6 Q In any of your previous sexual interactions with Mr.
7 Harris, previous consensual sexual interactions with
8 Mr. Harris, did he ever hold a knife to your head?
9 A No.
10 Q And explain to the Court why did you go visit
11 Mr. Harris.
12 A Because we have three kids together. And I thought,
13 you know, maybe I don't want to keep them from they dad,
14 seeing they dad. So I would take the kids, you know, take
15 turns each week taking the kids up there to see him.
16 Q And you said this was through a TV screen?
17 A Yeah, a TV screen. No physical --
18 Q There was no way he could reach out for you?
19 A No.
20 Q How did that make you feel?
21 A pretty good.
22 MR PIERRE: Nothing further. Your
23 Honor.
24 THE COURT: Anything based on those
25 questions, Mr. Rich?

*I thought Harris was the one
who was blamed for kicking
in the door for the November 12, 2008
rape incident. Who kicked in the door?*

1 big deal.
2 Let's bring in the witness.
3 (Witness resume stands)
4 * * *
5 THE COURT: Would you come forward
6 again, please, ma'am? Have a seat.
7 I'll remind you you remain under oath
8 as you answer the questions of Mr. Harris's attorney, Mr.
9 Rich.
10 MR. RICH, you may inquire.
11 MR. RICH: Thank you, Your Honor
12 * * *
13 CROSS-EXAMINATION OF KIESHA TAYLOR
14 BY MR. RICH:
15 Q Good afternoon, Miss Taylor.
16 A Hi.
17 Q Hi. Now, you were asked about these incidents with
18 Isaiah in chronological. Correct?
19 A Yes.
20 Q And would you agree with me some of the problems you
had as couple go back to 2002. Correct?
21 A Yes.
22 Q And early on in 2002 he was accused of Domestic
violence by you. Correct?
23 MR. RICH: Objection.
24

1 THE COURT: I'll overrule it.
2 Q Correct?
3 A Yes.
4 Q Did you tell Mr. Pierre or Det. Sivert about any of
5 the police reports and incidents with the Defendant prior
6 to the cases that they asked about?
7 A From 2002?
8 Q Right.
9 A No.
10 Q You recall you were actually going to be charged in
11 Lorain Municipal Court. Correct?
12 MR. PIERRE: Objection.
13 THE COURT: Overruled.
14 A I believe so, yeah.
15 Q For lying to the Prosecutor. Correct?
16 A I --
17 Q Let me ask you this. It would be something pretty
18 easy to remember, correct, if you were going to be charged.
19 Right?
20 A Yes.
21 (Mr. Rich hands document to Mr. Pierre)
22 MR. PIERRE: For the record, I just
23 want to object to the use of Defendant's Exhibit 1. I have
24 never seen it. The State did request reciprocal discovery,
25 and it is not something that has ever been provided in this

1 A Yes.
2 Q And the whole truth was, once again, Isaiah came/
3 there because he wanted to be with his daughter on her
4 birthday?
5 A Well, yeah, he wanted to. Yeah.
6 Q And you did not want him to take her because you
7 thought he was with another female?
8 A No. That's not true. I don't know where that's
9 coming from. No.
10 Q You previously told him that you were visiting
11 family in Columbus.
12 A Yes, I did.
13 Q And the truth of the matter is you were going to go
14 where? To Las Vegas? Correct?
15 A Yes, I did.
16 Q And you went to Las Vegas?
17 A Yes.
18 Q With a boyfriend of yours?
19 A A friend of mine.
20 Q But yet you lied to Isaiah about that, correct?
21 A Yes, I did.
22 Q So you are willing to lie if it suits your purposes?
23 A Excuse me?
24 Q So you are willing to lie if you feel it will
25 benefit you?

1 A Yeah. Yes.
2 Q Like you did at Lorain Municipal Court?
3 MR PIERRE: Objection.
4 THE COURT: Sustained.
5 Q Now, in regards to the allegations of the November
6 incident, okay, you suggested to the Court in answering Mr.
7 Pierre's questions that he would not let you leave the
8 house.
9 Q That's not true, is it?
10 A He wouldn't let me leave.
11 Q Do you recall telling the Detective that you didn't
12 leave because the kids were there? That was the only
13 reason that you didn't leave?
14 A I recall saying that, yeah.
15 Q Okay. And certainly you had a cell phone, did you
16 not?
17 A Yes, I did.
18 Q And you would agree with me it only takes a second
19 to hit 911?
20 A Yes. But --
21 Q Okay.
22 A I was afraid of what he was going to do.
23 Q You would agree with me that on that night, okay,
24 that he had, you testified, had vomited into some pots and
25 pans. Right?

1 though you performed oral sex on him voluntarily after the
2 first two cases, you are claiming on this instance, well,
3 no, it was forced.

4 A Yes, it was forced.

5 Q The ring that you are wearing?

6 A Yeah?

7 Q Is that an engagement ring?

8 A No, it is just a regular ring.

9 Q Who got that for you?

10 MR PIERRE: Objection.

11 THE COURT: Overruled.

12 A Isaiah Harris.

13 (Mr. Rich hands document to Mr. Pierre)
14 Q Now, you would agree with me that after the November
15 incident Isaiah was in the County Jail?

16 A Yes, he was.

17 Q And he never got out?

18 A No.

19 Q He is still, as he sits here today, he is in what we
20 call custody, although he is obviously not in jail. Is
21 that fair?

22 A Yes.

23 Q Tell the Judge who went to see Isaiah on January
24 26th, 2009, and was that the person that claims he tried or
25 threatened to kill her, was gonna kill her, raped her,

1 broke into her house, threatened to kill her kids. Tell
2 the Judge who that person may have been who went to see him
3 on that day.

4 A Me and his kids.

5 Q Right. So there are two temporary protection orders
6 in this case. Correct?

7 A Yes, there is.

8 Q And he is at the County Jail. Right?

9 A Yes.

10 Q He is accused of Felionous Assault, Domestic
11 Violence. Then he is accused of Kidnapping, Rape,
12 Aggravated Burglary, Intimidation, TPO Violation, and
13 Domestic Violence. Right?

14 A Yes.

15 Q And after January -- from January, do you have any
16 reason to dispute that you had seen him after the November
17 case 11 times?

18 A Yes. We have kids together. I let [redacted]
19 Q [redacted] Maybe I asked a dumb question.
20 Do you have any "reason to dispute that you went and
21 saw the guy you were accusing of these heinous crimes 10
22 times after he was incarcerated?]
23 A No.

24 Q Do you recall being asked by the Sheriff's Office
25 why are you here if are you the person that is apparently

Departmental Offender Tracking System Portal
Ohio Department of Rehabilitation and Corrections

A570016 HARRIS, ISAIAH

Help Logout Search Registry Portal

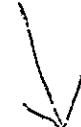
Visitation List - VSL *← visit list*

HOME Offender Search Offender Snapshot Portal Index Your Signature Offender Information SII 52 Tools Snapshot View Juvenile Records Screen Publications WOTC System OJI, VC Notifying Job Linkage OHIO Database Ex-Offender Jobs County Jail Database Offender Detainers Chaplain Processing

Inmate Number: A570016
Inmate Name: HARRIS, ISAIAH
Institution: RICI
Lock: H3/C/0071(GP)
Next of Kin: Lillian Jackson

Please select from below:

VISITOR NAME	RELATION	AGE	VIC.	DRIVER ID	STATUS	# VISITS
*****MENTOR*****	UNAVAILABLE					<input type="button" value="ADD Visit"/>
Gaddy, Aishah	NIECE	28	GA47			<input type="button" value="ADD Visit"/>
GADDY, JANOVAH	SISTER					<input type="button" value="ADD Visit"/>
GADDY, NIYA	SISTER	44	9378	APPROVED		<input type="button" value="ADD Visit"/>
GADDY, WILLIE	BROTHER	32	7584	APPROVED		<input type="button" value="ADD Visit"/>
HARRIS, HAROLD 02/03/2011	FATHER	70	N	3546	APPROVED	<input type="button" value="ADD Visit"/>
HARRIS, IMAN	DAUGHTER	13			APPROVED <input checked="" type="checkbox"/>	<input type="button" value="ADD Visit"/>
HARRIS, IYANA	DAUGHTER	16			APPROVED <input checked="" type="checkbox"/>	<input type="button" value="ADD Visit"/>
HARRIS, JAMES	UNCLE	72		2644	APPROVED	<input type="button" value="ADD Visit"/>
HARRIS JR, ISAIAH	SON	19			APPROVED <input checked="" type="checkbox"/>	<input type="button" value="ADD Visit"/>
JACKSON, LILLIAN	MOTHER	66		3912	APPROVED	<input type="button" value="ADD Visit"/>
LEE, MILDRED C.	GRANDMOTHER	87	N	9966	APPROVED	<input type="button" value="ADD Visit"/>
MCCEE, JERRY/GERALD	FRIEND					<input type="button" value="ADD Visit"/>
RICE, MARAUADA (SEE NOTES)	SISTER	48	GA71	APPROVED		<input type="button" value="ADD Visit"/>
Rice, Rodney L	BROTHER-IN-LAW	50		6874	Tentatively APPROVED	<input type="button" value="ADD Visit"/>
TAYLOR, KIESHA	MOTHER OF CHILD	36		3785	APPROVED <input checked="" type="checkbox"/>	<input type="button" value="ADD Visit"/>
WILSON, LEZEET (SP) MESHELL	STEP SISTER					<input type="button" value="ADD Visit"/>
ZUBAIDAH, KING AYETTEY	UNAVAILABLE	65		0133	APPROVED	<input type="button" value="ADD Visit"/>

*Page 1.**March 30, 2021*



Women Come Visit guys for muckless!!!

Come Visit in Prison too!!!

Wow!!! Harris has NO Criminal History!!!



No. 21-5256

In The
SUPREME COURT OF THE UNITED STATES

In Re ISAIAH S. HARRIS SR., Petitioner

CERTIFICATION OF COUNSEL OR
PARTY UNREPRESENTED

Isaiah S. Harris Sr., #570016
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

Pro se Litigant

Mr. Dave Yost
State Office Tower,
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

I, Isaiah S. Harris Sr., do declare that to the best of petitioner's ability and understanding he has complied with this Court's rule 44 Petition for Rehearing, **in good faith and without delay**, to present grounds for intervening circumstances of substantial or controlling effect in respect to fundamental rights to due process to protect the innocent.

Respectfully Submitted,

Isaiah S. Harris Sr.

Isaiah S. Harris Sr., #570016
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

Pro se Litigant

No. 21-5256

In The
SUPREME COURT OF THE UNITED STATES

In Re ISAIAH S. HARRIS SR., Petitioner

PETITION FOR REHEARING
CERTIFICATE OF COMPLIANCE

Isaiah S. Harris Sr., #570016
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

Pro se Litigant

Mr. Dave Yost
State Office Tower,
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

As required by Supreme Court Rule 33.1(h) I certify that the Petition for a Rehearing contains, 2732 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C.S. §1746.

Executed on October 7, 2021.

Respectfully Submitted,

Isaiah S. Harris Sr.

Isaiah S. Harris Sr., #570016
Richland Correctional
Institution
P.O. Box 8107
Mansfield, Ohio 44901

Pro se Litigant

Isaiah S. Harris Sr., #570016
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

October 7, 2021

Supreme Court of the U.S.
Office of The Clerk
Washington D.C., 20543-0001

Re: In re Isaiah S. Harris Sr., Case No. 21-5256 Petition for rehearing.

Dear Mr. Scott S. Harris/ Mr. Clayton R. Higgins Jr.

I have come to a crossroad. This maybe the last time you'll see my case come across your desk. You know first-hand how much effort I put in over the years to have my issues reviewed by this court. You have witnessed my learning curve and spirit of hope.

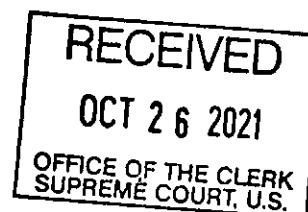
In this Petition for rehearing I have highlighted an 8 to 4 and a 6 to 6 United States Appeal Circuit Split. Also as a bonus feature I have included some of my trial transcripts, so everyone can see the injustice first-hand.

The begs the questions, is this still America..., where fairness and justice rule the day? How long will this experiment last... will it last another 250-years, forming a more perfect union, with universally revered fundamental due process law? Only time will tell.

I have faith, because we are one nation **under God** indivisible with liberty and justice for all.

Sincerely,

Isaiah S. Harris Sr.
Isaiah S. Harris Sr., #570016
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901



You have received a **JPay** letter, the fastest way to get mail

From : JP Pay Representative
To : ISAIAH HARRIS, ID: A570016
Date : 10/4/2021 11:08:21 PM EST, Letter ID: 1296341168
Location : RICI
Housing : H3C0071

Dear Incarcerated Person:

This message is to inform you that ODRC is changing how we process Legal Mail and we need your assistance.♦♦

We have informed the legal community about these changes. The new process requires each piece of intended Legal Mail to have a control number on it. A control number is generated from ODRC's system after the sender registers on our ODRC website.♦ (See link below).♦♦

You can help avoid delays in receiving Legal Mail by telling your attorney, or other Legal Mail senders, about this new process. Here is some important information you can share:

Information about the new Legal Mail process can be found at: www.drc.ohio.gov/inmate-mail.

Register to send Legal Mail by clicking on the "Attorney Registration Site" link on the inmate mail page of our website.

View the Legal Mail policy (75-MAL-01) by clicking on the "Updated Policy" link on the inmate mail page of our website.

So far, ODRC has approved almost 700 applications to send Legal Mail into the facilities.♦ This is a great start, but we are asking for your help with informing your Legal Mail senders about the new process.♦ ODRC will soon begin enforcing the requirement that all Legal Mail contain a control number.♦ Mail that does not have a control number, even if it is stamped or marked "Legal Mail," will soon be treated as ordinary mail.♦♦ This means that it will be opened, copied and delivered to you as ordinary mail.

Change can sometimes be difficult, but we believe the new Legal Mail process will make our facilities safer for all.♦ We are working closely with facility staff to make this change. Any questions about this process may be directed to your facility staff.

Thank you,

ODRC Office of Legal Services

I need the same ~~same~~ privileged
Communication as those who are represented by
Attorneys.

- Isaiah S. Harris Jr.

No. 21-5256

IN THE
SUPREME COURT OF THE UNITED STATES

Isaiah S. Harris Jr. — PETITIONER
(Your Name)

VS.

Kenneth Black, warden — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of *Rehearing* without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or _____

a copy of the order of appointment is appended.

Isaiah S. Harris Jr.
(Signature)

1 of 6

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Daniel S. Hanis Jr., am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

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>18.00</u>	\$ <u>NA</u>	\$ <u>18.00</u>	\$ <u>NA</u>
Self-employment	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Gifts	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Alimony	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Child Support	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Other (specify): <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>	\$ <u>.0</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>18.00</u>	\$ <u>NA</u>	\$ <u>18.00</u>	\$ <u>NA</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA	NA	NA	\$ NA
			\$
			\$

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

Employer	Address	Dates of Employment	Gross monthly pay
NA	NA	NA	\$ NA
			\$
			\$

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

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

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
NA	\$ NA	\$ NA
	\$	\$
	\$	\$

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

Home
Value NA

Other real estate
Value NA

Motor Vehicle #1
Year, make & model NA
Value _____

Motor Vehicle #2
Year, make & model NA
Value _____

Other assets
Description NA
Value _____

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
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
	\$ _____	\$ _____
	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>NA</u>	<u>NA</u>	<u>NA</u>

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, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>NA</u>
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)	\$ <u>0</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>NA</u>
Food	\$ <u>0</u>	\$ <u>NA</u>
Clothing	\$ <u>0</u>	\$ <u>NA</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>NA</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ NA
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ NA
Life	\$ 0	\$ NA
Health	\$ 0	\$ NA
Motor Vehicle	\$ 0	\$ NA
Other: NA	\$ 0	\$ NA
Taxes (not deducted from wages or included in mortgage payments)		
(specify): NA	\$ 0	\$ NA
Installment payments		
Motor Vehicle	\$ 0	\$ NA
Credit card(s)	\$ 0	\$ NA
Department store(s)	\$ 0	\$ NA
Other: NA	\$ 0	\$ NA
Alimony, maintenance, and support paid to others	\$ 0	\$ NA
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ NA
Other (specify): NA	\$ 0	\$ NA
Total monthly expenses:	\$ 0	\$ NA

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? _____

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? _____

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 costs of this case.

Because I been poor my whole life and being locked up for 13 years has made it worst.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 7, 2021

dsalah S. Hams Jr.

(Signature)