

21-5365

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

AUG 05 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

MARK LEE WILKINSON — PETITIONER
(Your Name)

VS.

SHOBHAN BURTLOW, and THE ATTORNEY GENERAL FOR THE STATE OF COLORADO,
RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari and Motion to Appoint Counsel 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):

Mesa County District Court, Colorado Court of Appeals, Colorado Supreme Court, United States

District Court for the District of Colorado, United States Court of Appeals for the Tenth Circuit

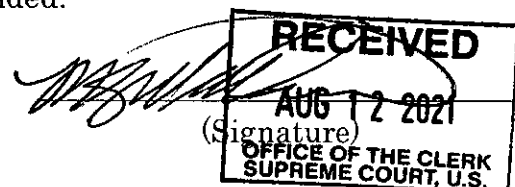
☐ Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.

☒ 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.



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

I, MARK LEE WILKINSON, 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>15.00</u>	\$ <u>N/A</u>	\$ <u>15.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>120.00</u>	\$ <u>N/A</u>	\$ <u>120.00</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>Stimulus</u>	\$ <u>266.67</u>	\$ <u>N/A</u>	\$ <u>0.00</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>401.67</u>	\$ <u>N/A</u>	\$ <u>135.00</u>	\$ <u>N/A</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
<u>CDOC</u>	<u></u>	<u>July, 2001-Present</u>	<u>\$ 15.00</u>
<u></u>	<u></u>	<u></u>	<u>\$</u>
<u></u>	<u></u>	<u></u>	<u>\$</u>

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
<u>N/A</u>	<u></u>	<u></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? \$ _____
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
<u>Inmate Banking</u>	<u>\$ 361.25</u>	<u>\$ N/A</u>
<u></u>	<u>\$</u>	<u>\$</u>
<u></u>	<u>\$</u>	<u>\$</u>

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

☐ Home
Value _____

☐ Other real estate
Value _____

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

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

☐ Other assets
Description _____
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>N/A</u>	\$ <u>N/A</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>N/A</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>N/A</u>	\$ <u>N/A</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>N/A</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>50.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>5.00</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ <u>N/A</u>	\$ <u>N/A</u>
Health	\$ <u>N/A</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: <u>Loan from family</u>	\$ <u>266.67</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>13.50*</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>Restitution</u>	\$ <u>13.50*</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>348.67</u>	\$ <u>N/A</u>

*Child Support paid off in June, 2021. Starting in July, 2021, \$27.00 will go to restitution.

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.

No more stimulus income or payments to family.

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? _____

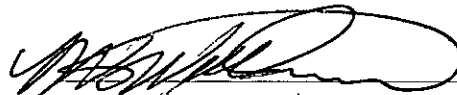
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am incarcerated and indigent.

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

correct. Executed on: August 4, 20 21



(Signature)



STATEMENT OF ACCOUNT ACTIVITY



109802 - WILKINSON, MARK L

Facility: FREMONT, FCF/L.U.7

Date/Time Printed: 08/04/2021 08:46 AM

Statement Period: 02/04/2021 - 08/04/2021

Date/Time	Description	Tran Amt	Balance	Available Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
02/04/2021 00:00	Beginning Balance	0.00	226.28	226.28			27.61	198.67	
02/08/2021 07:22	Canteen #15729151 Hold	0.00		226.28	CANTEEN	40.91	68.52	157.76	
02/09/2021 06:33	Canteen Ord#15729151	-40.91	185.37	185.37		0.00	27.61	157.76	FF
02/11/2021 12:30	Canteen #15742344 Hold	0.00		185.37	CANTEEN	7.34	34.95	150.42	
02/12/2021 09:20	PAYROLL-CREDIT	11.28	196.65	196.65	MANDATORY	2.26	37.21	159.44	FF
02/17/2021 06:59	Canteen Ord#15742344	-7.34	189.31	189.31		0.00	29.87	159.44	FF
02/22/2021 07:23	Canteen #15754917 Hold	0.00		189.31	CANTEEN	10.86	40.73	148.58	
02/24/2021 06:35	Canteen Ord#15754917	-10.86	178.45	178.45		0.00	29.87	148.58	FF
02/26/2021 00:36	RESTITUTION-99CR1111	-29.87	148.58	148.58		0.00	0.00	148.58	FF
02/27/2021 23:25	GTL CREDIT	120.00	268.58	268.58	MANDATORY	24.00	24.00	244.58	FF
03/01/2021 08:04	Canteen #15767659 Hold	0.00		268.58	CANTEEN	10.91	34.91	233.67	
03/02/2021 06:36	Canteen Ord#15767659	-10.91	257.67	257.67		0.00	24.00	233.67	FF
03/03/2021 11:51	PAYROLL-CREDIT	2.82	260.49	260.49	MANDATORY	0.56	24.56	235.93	FF
03/05/2021 16:22	15 LVG UNIT LDYR WKR	17.20	277.69	277.69	MANDATORY	3.44	28.00	249.69	FF
03/08/2021 07:42	Canteen #15780027 Hold	0.00		277.69	CANTEEN	29.29	57.29	220.40	
03/09/2021 06:38	Canteen Ord#15780027	-29.29	248.40	248.40		0.00	28.00	220.40	FF
03/11/2021 06:33	Canteen Cred#15787782	2.72	251.12	251.12		0.00	28.00	223.12	FF
03/15/2021 07:16	Canteen #15793915 Hold	0.00		251.12	CANTEEN	24.41	52.41	198.71	
03/16/2021 06:26	Canteen Ord#15793915	-24.41	226.71	226.71		0.00	28.00	198.71	FF
03/22/2021 07:06	Canteen #15806651 Hold	0.00		226.71	CANTEEN	12.56	40.56	186.15	
03/23/2021 06:34	Canteen Ord#15806651	-12.56	214.15	214.15		0.00	28.00	186.15	FF
03/27/2021 23:22	GTL CREDIT	120.00	334.15	334.15	MANDATORY	24.00	52.00	282.15	FF
03/29/2021 07:35	Canteen #15819412 Hold	0.00		334.15	CANTEEN	27.75	79.75	254.40	
03/30/2021 06:26	Canteen Ord#15819412	-27.75	306.40	306.40		0.00	52.00	254.40	FF
03/31/2021 00:29	CHILD	-12.00	294.40	294.40		0.00	40.00	254.40	FF
	SUPPORT-39077355921								
03/31/2021 00:51	RESTITUTION-99CR1111	-40.00	254.40	254.40		0.00	0.00	254.40	FF
03/31/2021 06:30	Canteen Cred#15824679	5.46	259.86	259.86		0.00	0.00	259.86	FF
04/01/2021 15:59	15 LVG UNIT LDYR WKR	19.78	279.64	279.64	MANDATORY	3.96	3.96	275.68	FF
04/02/2021 07:57	Canteen Cred#15827643	2.80	282.44	282.44		0.00	3.96	278.48	FF
04/05/2021 07:10	Canteen #15832319 Hold	0.00		282.44	CANTEEN	24.03	27.99	254.45	



STATEMENT OF ACCOUNT ACTIVITY

Date:Time	Description	Tran Amt	Balance	Available Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
04/05/2021 11:39	Canteen #15841369 Hold	0.00		282.44	CANTEEN	5.39	33.38	249.06	
04/06/2021 06:25	Canteen Ord#15832319	-24.03	258.41	258.41		0.00	9.35	249.06	FF
04/07/2021 12:33	POSTAGE-DEBIT	-3.80	254.61	254.61		0.00	9.35	245.26	FF
04/08/2021 06:34	Canteen Cred#15853034	1.15	255.76	255.76		0.00	9.35	246.41	FF
04/09/2021 12:18	XEROX-DEBIT	-8.75	247.01	247.01		0.00	9.35	237.66	FF
04/12/2021 07:07	Canteen #15859108 Hold	0.00		247.01	CANTEEN	18.92	28.27	218.74	
04/14/2021 06:27	Canteen Ord#15859108	-18.92	228.09	228.09		0.00	9.35	218.74	FF
04/19/2021 06:27	Canteen Ord#15841369	-5.39	222.70	222.70		0.00	3.96	218.74	FF
04/22/2021 06:59	Canteen #15882060 Hold	0.00		222.70	CANTEEN	14.25	18.21	204.49	
04/23/2021 06:30	Canteen Ord#15882060	-14.25	208.45	208.45		0.00	3.96	204.49	FF
04/28/2021 06:38	Canteen Cred#15890833	5.39	213.84	213.84		0.00	3.96	209.88	FF
04/29/2021 06:30	Canteen Cred#15892366	1.15	214.99	214.99		0.00	3.96	211.03	FF
04/30/2021 00:23	CHILD	-1.98	213.01	213.01		0.00	1.98	211.03	FF
	SUPPORT-39077355921								
04/30/2021 00:37	RESTITUTION-99CR1111	-1.98	211.03	211.03		0.00	0.00	211.03	FF
05/03/2021 07:46	Canteen #15893552 Hold	0.00		211.03	CANTEEN	13.65	13.65	197.38	
05/03/2021 16:09	15 LVG UNIT LDRY WKR	18.92	229.95	229.95	MANDATORY	3.78	17.43	212.52	FF
05/04/2021 06:37	Canteen Ord#15893552	-13.65	216.30	216.30		0.00	3.78	212.52	FF
05/05/2021 23:25	GTL CREDIT	120.00	336.30	336.30	MANDATORY	24.00	27.78	308.52	FF
05/07/2021 17:58	Canteen #15904524 Hold	0.00		336.30	CANTEEN	16.17	43.95	292.35	
05/10/2021 09:49	Canteen #15919923 Hold	0.00		336.30	CANTEEN	20.61	64.56	271.74	
05/13/2021 06:45	Canteen Ord#15919923	-20.61	315.69	315.69		0.00	43.95	271.74	FF
05/17/2021 07:26	Canteen #15930836 Hold	0.00		315.69	CANTEEN	14.82	58.77	256.92	
05/18/2021 06:45	Canteen Ord#15930836	-14.82	300.87	300.87		0.00	43.95	256.92	FF
05/19/2021 11:43	POSTAGE-DEBIT	-2.90	297.97	297.97		0.00	43.95	254.02	FF
05/21/2021 16:58	XEROX-DEBIT	-8.50	289.47	289.47		0.00	43.95	245.52	FF
05/22/2021 23:21	GTL CREDIT	240.00	529.47	529.47	MANDATORY	48.00	91.95	437.52	FF
05/24/2021 07:29	Canteen #15944458 Hold	0.00		529.47	CANTEEN	41.72	133.67	395.80	
05/25/2021 06:49	Canteen Ord#15904524	-16.17	513.30	513.30		0.00	117.50	395.80	FF
05/25/2021 06:53	Canteen Ord#15944458	-41.72	471.58	471.58		0.00	75.78	395.80	FF
05/25/2021 11:14	Canteen #15949788 Hold	0.00		471.58	CANTEEN	21.25	97.03	374.55	
05/26/2021 06:33	Canteen Ord#15949788	-21.25	450.33	450.33		0.00	75.78	374.55	FF
05/27/2021 10:40	Canteen #15956225 Hold	0.00		450.33	CANTEEN	8.71	84.49	365.84	
05/28/2021 00:23	CHILD	-19.03	431.30	431.30		0.00	65.46	365.84	FF
	SUPPORT-39077355921								
05/28/2021 00:35	RESTITUTION-99CR1111	-56.75	374.55	374.55		0.00	8.71	365.84	FF
05/28/2021 15:45	Canteen Ord#15956225	-8.71	365.84	365.84		0.00	0.00	365.84	FF
06/01/2021 15:38	15 LVG UNIT LDRY WKR	18.06	383.90	383.90	MANDATORY	3.61	3.61	380.29	FF
06/07/2021 07:30	Canteen #15969719 Hold	0.00		383.90	CANTEEN	9.72	13.33	370.57	



STATEMENT OF ACCOUNT ACTIVITY

Date/Time	Description	Tran Amt	Balance	Available Bef. W/H	Type	Encumbrances Amount	Total	Available Balance	FC
06/09/2021 06:38	Canteen Ord#15969719	-9.72	374.18	374.18		0.00	3.61	370.57	FF
06/18/2021 08:06	Canteen #16005890 Hold	0.00		374.18	CANTEEN	46.65	50.26	323.92	
06/21/2021 06:32	Canteen Ord#16005890	-46.65	327.53	327.53		0.00	3.61	323.92	FF
06/23/2021 07:36	Canteen #16015053 Hold	0.00		327.53	CANTEEN	10.48	14.09	313.44	
06/24/2021 06:33	Canteen Ord#16015053	-10.48	317.05	317.05		0.00	3.61	313.44	FF
06/30/2021 00:38	RESTITUTION-99CR1111	-3.61	313.44	313.44		0.00	0.00	313.44	FF
06/30/2021 23:22	GTL CREDIT	120.00	433.44	433.44	MANDATORY	24.00	24.00	409.44	FF
07/02/2021 00:10	Canteen #16026421 Hold	0.00		433.44	CANTEEN	8.26	32.26	401.18	
07/06/2021 16:33	15 LVG UNIT LDYR WKR	18.92	452.36	452.36	MANDATORY	3.78	36.04	416.32	FF
07/07/2021 06:50	Canteen Ord#16026421	-8.26	444.10	444.10		0.00	27.78	416.32	FF
07/12/2021 07:46	Canteen #16048238 Hold	0.00		444.10	CANTEEN	72.54	100.32	343.78	
07/13/2021 06:49	Canteen Ord#16048238	-72.54	371.56	371.56		0.00	27.78	343.78	FF
07/15/2021 06:36	Canteen Cred#16055994	4.08	375.64	375.64		0.00	27.78	347.86	FF
07/16/2021 14:47	XEROX-DEBIT	-1.50	374.14	374.14		0.00	27.78	346.36	FF
07/19/2021 08:16	Canteen #16061468 Hold	0.00		374.14	CANTEEN	11.49	39.27	334.87	
07/20/2021 07:21	Canteen Ord#16061468	-11.49	362.65	362.65		0.00	27.78	334.87	FF
07/21/2021 06:52	Canteen Cred#16066452	5.70	368.35	368.35		0.00	27.78	340.57	FF
07/26/2021 07:31	Canteen #16074180 Hold	0.00		368.35	CANTEEN	57.81	85.59	282.76	
07/27/2021 07:03	Canteen Ord#16074180	-57.81	310.54	310.54		0.00	27.78	282.76	FF
07/29/2021 23:21	GTL CREDIT	120.00	430.54	430.54	MANDATORY	24.00	51.78	378.76	FF
07/30/2021 00:37	RESTITUTION-99CR1111	-51.78	378.76	378.76		0.00	0.00	378.76	FF
08/02/2021 07:28	Canteen #16085659 Hold	0.00		378.76	CANTEEN	32.65	32.65	346.11	
08/02/2021 15:51	15 LVG UNIT LDYR WKR	18.92	397.68	397.68	MANDATORY	3.78	36.43	361.25	FF
08/03/2021 06:51	Canteen Ord#16085659	-32.65	365.03	365.03		0.00	3.78	361.25	FF
08/04/2021 23:58	Ending Balance	0.00	365.03	365.03		0.00	3.78	361.25	

Total Deposits: 994.35

Total Withdrawals: 855.60

Account Information as of 08/04/2021 08:45

Status: ACTIVE

Current Balance: \$365.03

Total Money In Hold: \$0.00

Total Reserved/Encumbered: \$3.78

Available Balance: \$361.25

Statement Information	
Date/Time	reflects the transaction date and time of deposits and withdrawals to the account during the statement period.
Description	is a brief memorandum describing the transaction.
Tran Amt	is the amount of the transaction; deposits are shown as a positive number, withdrawals are shown as a negative number.
Balance	is the actual balance of the account. All deposits and withdrawals are added and subtracted from the 'Balance'. If an account has a negative balance an 'Available Balance' will be derived according to AR 200-2.
Available Before W/H	is the derived available balance where 50% of deposits are made available when the actual account balance prior to deposit is a negative amount (Ref. AR 200-2). This amount is derived prior to mandatory withholding.
Encumbrances	are amounts placed on hold pending further processing by the banking system, such as when a canteen order is

Yvette Brown



STATEMENT OF ACCOUNT ACTIVITY

	posted or a deposit is subject to mandatory garnishment rules. The amount, type of hold, and a total (as of the Date:Time) is reported.
Available Balance	shows monies available for withdrawal at the end of the transaction. The time precision for all transactions is to the minute; encumbrance total may duplicate for multiple transactions if the transaction date and time are identical.
FC	(Facility Code) is the offender's facility assignment at the date and time the transaction was posted to the account, not the originating source of the transaction.

NOTICE: This statement may not include most recent Withdrawals or Deposits.

Printed and Certified by Yvette Brown, CDOC Legal Assistant II

A handwritten signature in cursive script, appearing to read "Yvette Brown", is written over the printed name.