

CASE NO. \_\_\_\_\_

***IN THE SUPREME COURT OF THE UNITED STATES***

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**ANTHONY KIRKLAND, Petitioner,**

**vs.**

**STATE OF OHIO, Respondent.**

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**On Petition for a Writ of Certiorari to  
the Supreme Court of Ohio**

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**PETITIONER'S MOTION FOR LEAVE  
TO PROCEED *IN FORMA PAUPERIS***

(CAPITAL CASE: EXECUTION DATE IS SEPTEMBER 18, 2024)

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Timothy F. Sweeney (OH 0040027)\*  
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\*COUNSEL OF RECORD

Counsel for Petitioner Anthony Kirkland

**PETITIONER'S MOTION FOR LEAVE  
TO PROCEED *IN FORMA PAUPERIS***

Petitioner Anthony Kirkland, through counsel, respectfully requests leave to file his Petition for Writ of Certiorari to the Supreme Court of Ohio without the pre-payment of costs or fees and to proceed *in forma pauperis* pursuant to Rule 39.1 of the Supreme Court Rules.

This is a death penalty case in which the Petitioner was sentenced to death in Ohio, after a re-sentencing trial conducted in July/August 2018, and that death sentence was affirmed on his direct appeal to the Supreme Court of Ohio. As relevant to the instant Petition, the Supreme Court of Ohio, on March 16, 2021, denied (with two dissents) Petitioner's timely application—under Rule 11.06 of the Rules of Practice of the Supreme Court of Ohio (“S.Ct.Prac.R. 11.06”)—to reopen his direct appeal to assert claims of ineffective assistance of appellate counsel in that direct appeal.

Petitioner proceeded *in forma pauperis* in the trial court for the proceedings there, in his direct appeal in the Supreme Court of Ohio, and in his Application to Reopen in Supreme Court of Ohio, which is the subject of this Petition. The entry of Ohio's Hamilton County Court of Common Pleas finding the Petitioner indigent and appointing counsel for his direct appeal to the Supreme Court of Ohio is attached, as is the entry of the Supreme Court of Ohio appointing counsel to represent Petitioner in that court for the proceedings under S.Ct.Prac.R. 11.06.

Petitioner respectfully requests that his motion for leave to proceed *in forma pauperis* be granted.

Respectfully Submitted,

/s/ Timothy F. Sweeney

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/s/ Andrew P. Avellano

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Counsel for Petitioner Anthony Kirkland

ENTERED  
AUG 28 2018

THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS  
Patrick Dinkelacker, Judge

THE STATE OF OHIO

Case No. **B0901629**

Plaintiff

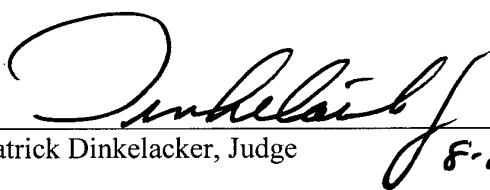
vs.

Entry Appointing Appellate Counsel

ANTHONY KIRKLAND

Defendant

It appearing to the Court that the Defendant is in indigent circumstances, and unable to employ Counsel, and has indicated to the Court his desire to appeal the within judgment of conviction, the Court hereby appoints: TIMOTHY McKENNA and ROGER KIRK, to represent the Defendant as Counsel in the within cause for the purpose of prosecuting said appeal.

  
\_\_\_\_\_  
Patrick Dinkelacker, Judge

8-28-18



D122950290

FILED

The Supreme Court of Ohio

NOV -3 2020

CLERK OF COURT  
SUPREME COURT OF OHIO

State of Ohio

v.

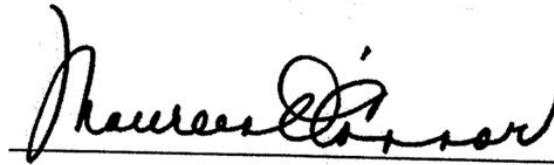
Anthony Kirkland

Case No. 2018-1265

E N T R Y

This cause came on for further consideration upon the filing of appellant's motion for appointment of Andrew Avellano and Timothy Sweeney as counsel. It is ordered by the court that the motion is granted and Andrew Avellano and Timothy Sweeney are appointed to represent appellant for the purpose of filing an application to reopen his direct appeal pursuant to S.Ct.Prac.R. 11.06.

(Hamilton County Court of Common Pleas; No. B 0901629)



Maureen O'Connor  
Chief Justice