

ORIGINAL

21-5405

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
AUG 09 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

GEORGE A. LUNA, Petitioner

v.

ANNA VALENTINE. Warden, Respondent

ON PETITION FOR WRIT OF CERTIORARI TO
SIXTH CIRCUIT COURT OF APPEALS

MOTION TO PROCEED IN FORMA PAUPERIS

George A. Luna
Petitioner, KSR #222876
3001 W. Hwy 146
LaGrange, Kentucky 40032

AFFIDAVIT ACCOMPANYING MOTION FOR
PERMISSION TO APPEAL IN FORMA PAUPERISUnited States Court of Appeals
for the Sixth Circuit

GEORGE A. LUNA

Petitioner

v.

ANNA VALENTINE, Warden

Respondent

Case No.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct: (28 U.S.C. §§ 1746; 18 U.S.C. §§ 1621.)

Signed: George A. Luna

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 8-9-21

My issues on appeal are:

Under Giles v. California can a State constitutionally introduce a murder victim's out of court statements to others about defendant's abuse, pursuant to an "inferred intent" to secure the witness's unavailability under the "forfeiture by wrong doing" exception when there is no evidence of any proceeding that she was going to, or would have been, called as a witness to testify in?

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>\$465.68</u>	0	unknown	0
Self-employment	0	0	0	0
Income from real property (such as rental income)	0	0	0	0
Interest and dividends	0	0	0	0
Gifts	<u>\$40.00</u>	0	0	0
Alimony	0	0	0	0
Child support	0	0	0	0
Retirement (such as social security, pensions, annuities, insurance)	0	0	0	0
Disability (such as social security, insurance payments)	0	0	0	0
Unemployment payments	0	0	0	0
Public-assistance (such as welfare)	0	0	0	0
Other (specify):	0	0	0	0
Total monthly income:	<u>\$190.00</u>	\$0.00	\$0.00	\$0.00

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
not applicable	n/a	n/a	n/a
not applicable	n/a	n/a	n/a
not applicable	n/a	n/a	n/a

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

Employer	Address	Dates of Employment	Gross monthly pay
not applicable	n/a	n/a	n/a
not applicable	n/a	n/a	n/a
not applicable	n/a	n/a	n/a

4. How much cash do you and your spouse have? \$ 25.00

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

Financial Institution	Type of Account	Amount you have	Amount your spouse has
KDOC	Inmate	\$ 285.53	0
not applicable	n/a	n/a	n/a
not applicable	n/a	n/a	n/a

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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 (Value)
not applicable	n/a	n/a
not applicable	n/a	n/a
not applicable	n/a	n/a

Motor Vehicle #2 (Value)	Other assets (Value)	Other assets (Value)
Make & year: n/a	not applicable	n/a
Model: n/a	not applicable	n/a
Registration #: n/a	not applicable	n/a

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
not applicable	n/a	n/a
not applicable	n/a	n/a
not applicable	n/a	n/a

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
not applicable	n/a	n/a

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	0	0
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	0	0
Home maintenance (repairs and upkeep)	0	0
Food	<u>100.00</u>	0
Clothing	0	0
Laundry and dry-cleaning	0	0
Medical and dental expenses	0	0
Transportation (not including motor vehicle expenses)	0	0
Recreation, entertainment, newspapers, magazines, etc.	0	0
Insurance (not deducted from wages or included in mortgage payments) Homeowner's or renter's	0	0
Life	0	0
Health	0	0
Motor vehicle	0	0
Other: Postage & Copy Fees Litigattion	<u>20.00</u>	0
Taxes (not deducted from wages or included in mortgage payments) specify: not applicable	0	0
Installment payments	0	0
Motor Vehicle	0	0
Credit card (name): not applicable	0	0
Department store (name): not applicable	0	0
Other: not applicable	0	0
Alimony, maintenance, and support paid to others	0	0
Regular expenses for operation of business, profession, or farm (attach detail)	0	0
Other (specify): not applicable	0	0
Total monthly expenses:	<u>\$120.00</u>	<u>\$0.00</u>

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 docket fees for your appeal.

Postage fees and copy fees

13. State the address of your legal residence.

*KSR
3001 W. HWY 146
LaGrange, KY. 40032*

Your daytime phone number: () not applicable

Your age: 51 Your years of schooling: 12

KY DOC
REPORT NO. IBSR180 - 35

6 MONTH AVERAGE INCOME STATEMENT

PAGE: 1 of 1

PROCESSED: 06/21/2021 07:47

FROM: 12/2020 TO: 05/2021

REQUESTOR: Andrea Tibbitts

DOC #: 222876

INMATE NAME: Luna, George

SSN: 336-72-8728

	Deposit Detail	Total Deposit
FOR MONTH: December, 2020		
Christmas/Summer/Other Bonus Money	\$10.00	
State Pay Earned	\$122.00	
		\$132.00
FOR MONTH: January, 2021		
State Pay Earned	\$96.00	
State Pay Earned	\$72.00	
		\$168.00
FOR MONTH: February, 2021		
Deposit Type: State Pay Earned	\$128.00	
Deposit Money into Inmate Acct.	\$45.00	
		\$173.00
FOR MONTH: March, 2021		
State Pay Earned	\$12.00	
State Pay Earned	\$25.12	
Deposit Money into Inmate Acct.	\$40.00	
		\$77.12
FOR MONTH: April, 2021		
Deposit Type: Deposit Money into Inmate Acct.	\$30.00	
State Pay Earned	\$34.54	
		\$64.54
FOR MONTH: May, 2021		
Deposit Type: Deposit Money into Inmate Acct.	\$60.00	
Deposit Money into Inmate Acct.	\$1,400.00	
State Pay Earned	\$23.55	
		\$1,483.55
TOTAL AMOUNT :		\$2,098.21
6 MONTH AVERAGE:		\$349.70