

No. \_\_\_\_\_

In The Supreme Court of the United States

SCOTT NICHOLAS SANFORD,

*Petitioner,*

versus

THE COMMONWEALTH OF VIRGINIA,

*Respondent,*

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Scott Sanford, Petitioner, asks leave to file the attached Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has been deemed indigent by the courts of Virginia and undersigned counsel served as his court-appointed attorney for much of the relevant proceedings of this case.

Undersigned counsel, Ryan Campbell, was appointed to represent Mr. Sanford by the Loudoun County Circuit Court, and represented Mr. Sanford in the Court of Appeals of Virginia and the Virginia Supreme Court through his appeal. Mr. Sanford remains indigent as he is currently incarcerated by the Virginia Department of Corrections on these matters.

The Motion for Appointment of Counsel as well as the final order from the Virginia Supreme Court, which indicates that “court-appointed counsel” shall be allowed a fee waiver in that matter, are attached to this motion.

*/s/ Ryan Patrick Campbell*

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Counsel of Record for Petitioner

**REQUEST FOR APPOINTMENT OF A LAWYER**

Commonwealth of Virginia

VA. CODE ANN. §§ 16.1-266, 267 §§ 19.2-159, 160, 163

*LOUDOUN*

CITY OR COUNTY

Case No. *02025194-00* Circuit Court General District Court Juvenile and Domestic Relations District Court

.....(NAME) *Scott Sanford* ..... Adult  
 315 S. King St. Leesburg, VA 20176  
 ADDRESS TELEPHONE NUMBER

TO THE ADULT: You have been charged with an offense punishable by death or confinement in a state correctional facility or in jail, including charges for revocation of suspension of imposition or execution of sentence or probation; or you are a party in a case involving allegations of abuse and/or neglect or a case in which you may be subjected to termination of your residual parental rights and responsibilities. You have the right to be represented by a lawyer with respect to this matter. In addition, the court shall consider appointing counsel to represent the parent or guardian of a child who is the subject of a foster care plan, foster care review or permanency planning hearing. You may retain a lawyer at your own expense or, if it is determined by the court that you are unable to afford a lawyer, this court will appoint a lawyer to represent you. If the judge appoints a lawyer to represent you, the lawyer will be paid with public funds whether or not you are convicted. However, if you are convicted, you shall pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. You may also waive your right to a lawyer.

**REQUEST FOR APPOINTMENT OF A LAWYER—STATEMENT OF INDIGENCE**

I, the undersigned, have been advised this day by this Court of my right to be represented by a lawyer in the case involving me; I certify that I am without means to employ a lawyer and I hereby request the Court to appoint a lawyer for me. My financial statement accompanies this request.

I have been informed that the lawyer appointed for me will be paid with public funds, but if I am convicted of a criminal offense, I shall have to pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. This lawyer will represent me in this case in all state courts until relieved or replaced by another lawyer.

If the court finds me to be not indigent, and if the court then declines to appoint a lawyer to represent me, I understand that I may employ my own lawyer. But, if I appear without counsel on the trial date, I may be deemed to have waived my right to counsel.

*X* ..... 09/14/18 .....  
 DATE

*X* .....  
 ADULT

The Court was advised that ..... a lawyer, has been retained to represent the accused in this Court.

This information was provided by:

the above-named person       the lawyer       .....

DATE

[ ] JUDGE [ ] CLERK

**ORDER OF APPOINTMENT OF COUNSEL**

**THE REQUEST FOR APPOINTMENT OF A LAWYER WAS EXECUTED UNDER OATH.  
 HAVING EXAMINED THE ADULT AND CONSIDERED OTHER COMPETENT EVIDENCE, I FIND  
 THAT**

the Adult is not indigent and not entitled to representation by a court-appointed attorney.

the Adult is indigent within the guideline set forth in the law and is entitled to representation by court-appointed counsel;

the Adult is not indigent and the Adult refuses to either employ counsel or waive his right to representation by a lawyer, but that the following circumstances and the ends of justice require the appointment of counsel:

Therefore I appoint the lawyer indicated below to represent the adult at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer.

The Clerk shall send a copy of this Order to the Indigent Defense Commission as notice that the lawyer indicated below is not on the list maintained by the Commission, but has otherwise demonstrated to the Court an appropriate level of training and experience.

NAME, ADDRESS  
OF COURT  
APPOINTED  
LAWYER

NEXT HEARING DATE AND TIME

DATE

JUDGE

## **VIRGINIA:**

*In the Court of Appeals of Virginia on Thursday the 30th day of April, 2020.*

Scott Nicholas Sanford, Appellant,  
against Record No. 1231-19-4  
Circuit Court Nos. CR31582-00, CR02025194-00 through CR02025194-02  
and CR03022635-00  
Commonwealth of Virginia, Appellee.

From the Circuit Court of Loudoun County

Before Judges Petty, AtLee and Senior Judge Annunziata

For the reasons previously stated in the order entered by this Court on February 24, 2020, the petition for appeal in this case hereby is denied.

It is ordered that the trial court allow court-appointed counsel for the appellant an additional fee of \$100 for services rendered the appellant on this appeal, in addition to counsel's costs and necessary direct out-of-pocket expenses. In addition to the costs incurred in this Court's February 24, 2020 order, the Commonwealth shall also recover of the appellant the costs reflected in this order.

This order shall be certified to the trial court.

Additional costs due the Commonwealth  
by appellant in Court of Appeals of Virginia:

Attorney's fee \$100.00 plus costs and expenses

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

*Kristen M. McKenzie*

Deputy Clerk