

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Armel Baxter — PETITIONER
(Your Name)

VS.

Superintendent Coal Township SCI, ET AL. — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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

Superior Court of Pennsylvania

☐ 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.


(Signature)

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

I, Armel Baxter, 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>50</u>	\$ <u>N/A</u>	\$ <u>50</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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>50</u>	\$ <u>N/A</u>	\$ <u>N/A</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
① Department of Corrections	① SCI Coal Township 1 Kelley Drive	① Sept. 2019 - Present	\$ 50
			\$ N/A
			\$ N/A

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
N/A	N/A	N/A	\$ N/A
"	"	"	\$ "
"	"	"	\$ "

4. How much cash do you and your spouse have? \$ None
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
N/A	\$ N/A	\$ N/A
"	\$ "	\$ "
"	\$ "	\$ "

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

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value N/A

☐ Motor Vehicle #2
Year, make & model N/A
Value N/A

☐ Other assets
Description N/A
Value 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
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>"</u>	\$ <u>"</u>	\$ <u>"</u>
<u>"</u>	\$ <u>"</u>	\$ <u>"</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>	<u>N/A</u>	<u>N/A</u>
<u>"</u>	<u>"</u>	<u>"</u>
<u>"</u>	<u>"</u>	<u>"</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>N/A</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>N/A</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>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</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>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>N/A</u>	\$ <u>N/A</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? None

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? None

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

N/A

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

I am currently incarcerated and cannot afford the costs of this case.

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

Executed on: September 14, 2021

ABD

(Signature)

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 1277 EDA 2015****Page 1 of 4****September 27, 2021****CAPTION**

Commonwealth of Pennsylvania

v.

Armell J. Baxter
Appellant**CASE INFORMATION**

Initiating Document: Notice of Appeal IFP

Case Status: Closed

Case Processing Status: June 14, 2017 Completed

Journal Number: J-S11024-16

Case Category: Criminal Case Type(s): Murder 1
Criminal Conspiracy
Possession of an Instrument of Crime

CONSOLIDATED CASES**RELATED CASES****SCHEDULED EVENT**

Next Event Type:

Next Event Due Date:

COUNSEL INFORMATION**Appellant Baxter, Armell J.**

Pro Se: No

IFP Status: Yes

Attorney: Cooley, Craig Mitchell

Law Firm: Cooley Law Office

Address: 1308 Plumdale Ct
Pittsburgh, PA 15239

Phone No: (647) 502-3401 Fax No:

Appellee Commonwealth of Pennsylvania

Pro Se: No

IFP Status:

Attorney: Burns, Hugh J., Jr.

Address: Philadelphia District Attorney's Office
3 S. Penn Square
Philadelphia, PA 19107-3499

Phone No: (215) 686-5730 Fax No: (215) 686-5725

Attorney: Guest, Alison Jo

Law Firm: Philadelphia District Attorney's Office

Address: Three South Penn Square
Philadelphia, PA 19107

Phone No: (215) 686-5766 Fax No:

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1277 EDA 2015

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
10/23/2015	2nd Motion for Extension of Time	10.00	12/15/2015	2015-SPR-E-002193	10.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	March 4, 2015	Notice of Appeal Filed:	March 30, 2015
Order Type:	PCRA Order		
Documents Received:	May 8, 2015		

Court Below:	Philadelphia County Court of Common Pleas		
County:	Philadelphia	Division:	Philadelphia County Criminal Division
Judge:	McDermott, Barbara A.	OTN:	N 482937-0
Docket Number:	CP-51-CR-0013121-2007	Judicial District:	01

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Record	May 11, 2015	2 Vols of testimony
Testimony	May 10, 2016	1 volume (1/20/15)

Date of Remand of Record: June 14, 2017

BRIEFING SCHEDULE

Appellant	Appellee
Baxter, Armel J.	Commonwealth of Pennsylvania
Brief	Brief
Due: July 22, 2015	Due: November 24, 2015
Filed: July 23, 2015	Filed: February 8, 2016

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 8, 2015	Notice of Appeal IFP Docketed	Appellant	Baxter, Armel J.
May 8, 2015	Docketing Statement Exited (Criminal)		Superior Court of Pennsylvania
May 11, 2015	Trial Court Record and Opinion Received		Philadelphia County Court of Common Pleas
May 18, 2015	Docketing Statement Received (Criminal)	Appellant	Baxter, Armel J.
June 25, 2015	Application for Extension of Time to File Brief - First Request	Appellant	Baxter, Armel J.
June 26, 2015	Order Granting Application for Extension of Time to File Appellant Brief		Per Curiam
	Comment: Briefs due July 22, 2015.		
July 23, 2015	Appellant's Brief Filed Late	Appellant	Baxter, Armel J.
	Comment: Briefs Late		

Appeal Docket Sheet

Superior Court of Pennsylvania

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 23, 2015	Other	Appellant	Baxter, Armel J.
	Comment: Trial Court Opinion		
July 23, 2015	Submitted on Brief		Eastern District Filing Office
August 24, 2015	Application for Extension of Time to File Brief - First Request	Appellee	Commonwealth of Pennsylvania
August 25, 2015	Order Granting Application for Extension of Time to File Appellee Brief		Per Curiam
	Comment: Briefs are due by 10/23/15.		
October 23, 2015	Application for Extension of Time to File Brief - Second Request	Appellee	Commonwealth of Pennsylvania
October 26, 2015	Order Granting Application for Extension of Time to File Appellee Brief		Per Curiam
	Comment: Briefs due Nov. 24, 2015. No further extensions, absent extraordinary circumstances.		
December 14, 2015	Submission Letter Sent		DiPasquale, Michael A.
February 8, 2016	Entry of Appearance - District Attorney Commonwealth of Pennsylvania	Appellee	Guest, Alison Jo
February 8, 2016	Appellee's Brief Filed	Appellee	Commonwealth of Pennsylvania
	Comment: **LATE**		
May 10, 2016	Transcripts of Testimony		Philadelphia County Court of Common Pleas
November 17, 2016	Affirmed		Ott, Paula Francisco
December 17, 2016	Petition for Allowance of Appeal to PA Supreme Court Filed	Appellant	Baxter, Armel J.
	Comment: 242 ET 2016		
January 3, 2017	Petition for Allowance of Appeal to PA Supreme Court Filed	Appellant	Baxter, Armel J.
	Comment: 23 EAL 2017		
May 24, 2017	Order Denying Petition for Allowance of Appeal to PA Supreme Court		Per Curiam
	Comment: 23 EAL 2017		
June 14, 2017	Remitted to Lower Court or Agency		Kohler, Benjamin D.

Appeal Docket Sheet

Superior Court of Pennsylvania

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SESSION INFORMATION

Journal Number: J-S11024-16
 Consideration Type: Submit Panel
 Listed/Submitted Date: January 11, 2016

Panel Composition:

The Honorable Kate Ford Elliott	President Judge Emeritus
The Honorable Paula Francisco Ott	Judge
The Honorable John L. Musmanno	Judge

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	November 17, 2016
Related Journal No:	J-S11024-16	Disposition Author:	Ott, Paula Francisco
Category:	Decided	Disposition Date:	November 17, 2016
Disposition:	Affirmed	Filing Author:	Ott, Paula Francisco
Dispositional Filing:	Memorandum		
Filed Date:	11/17/2016 12:00:00AM		

CROSS COURT ACTIONS

Docket Number:	242 ET 2016
Court Name:	Supreme
Short Caption:	Commonwealth v. Baxter, A., Pet.
Case Status:	Closed
Disposition:	
Disposition Date:	
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	Filing of Decision or Opinion

Docket Number:	23 EAL 2017
Court Name:	Supreme
Short Caption:	Commonwealth v. Baxter, A., Pet.
Case Status:	Closed
Disposition:	Order Denying Petition for Allowance of Appeal
Disposition Date:	May 24, 2017
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	