

SUPREME COURT OF THE UNITED STATES
October Term, 2020

NOAH GASTON ,)
Petitioner,)
vs.) NO.
STATE OF MAINE,)
Respondent.)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

NOW COMES the Petitioner/Defendant, Noah Gaston, by counsel, pursuant to Supreme Court Rule 39, and requests leave to proceed *in forma pauperis*. In support this motion, Petitioner provides the following:

1. Petitioner stands convicted, following a trial in the Maine Superior Court for Murder in violation of 17-A M.R.S. § 203. A timely appeal was filed with the First Circuit Court of Appeals, which appeal was denied.
2. Petitioner is petitioning the Supreme Court for a Writ of Certiorari.
3. Petition has been found indigent on December 14, 2016 and undersigned counsel, Robert C. Andrews, Esq., was appointed in the Maine Superior Court on February 9, 2018 and remained counsel of record through the appeal in the Maine Supreme Judicial Court. Attorney Andrews remains Mr. Gaston's appointed counsel of record.
4. As counsel has attached Mr. Gaston's Declaration in support of Motion for Leave to proceed In Forma Pauperis.

WHEREFORE, it is requested that Petitioner's motion for leave to proceed *in forma pauperis* be granted.

Dated at Portland, Maine on this 16th day of September 27, 2021.



Robert C. Andrews, Esq.
Attorney for Noah Gaston, Petitioner
Robert C. Andrews
117 Auburn Street Suite 201
Portland, Maine 04103
(207) 879-9850

CERTIFICATE OF SERVICE

I, Robert C. Andrews, attorney for Petitioner Scott Estes, hereby certify that I have caused, pursuant to Supreme Court Rule 39.2, one original of Petitioner's Motion for Leave to Proceed *In Forma Pauperis* to be served upon the following:

Clerk United States Supreme Court
1 First Street, NE
Washington, DC 20543

and one copy upon:

Donald Macomber, AAG
Office of Attorney General
6 State House Station
Augusta, Maine 04333

Said Motion having been sent to the above addresses by first class mail, postage prepaid, this 27th day of September, 2021.



Robert C. Andrews, Esq.
Attorney for Noah Gaston,
Petitioner

Robert C. Andrews
117 Auburn Street Suite 201
Portland, Maine 04103
(207) 879-9850

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

I, Noah Gaston, 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>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): <u>Prison Act</u>	\$ <u>100.00</u>	\$ _____	\$ <u>100.00</u>	\$ _____
Total monthly income:	\$ <u>100.00</u>	\$ _____	\$ <u>100.00</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
Cumberland County	50 County Way	2017-2018	\$ 4800
			\$
			\$
			\$

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
NA			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 29.26

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
None	\$	\$
	\$	\$
	\$	\$

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

Home
Value 0

Other real estate
Value 0

Motor Vehicle #1
Year, make & model _____
Value 0

Motor Vehicle #2
Year, make & model _____
Value 0

Other assets
Description _____
Value 0

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>None</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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>0</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>0</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>0</u>	\$ _____
Clothing	\$ <u>0</u>	\$ _____
Laundry and dry-cleaning	\$ <u>0</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ _____
Credit card(s)	\$ <u>0</u>	\$ _____
Department store(s)	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____
Total monthly expenses:	\$ <u>0</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 costs of this case.

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

Executed on: _____, 20____


(Signature)

MDOC#: 166625
 Client Name: Gaston, Noah
 Housing Level: MSP/Close/D Pod/D209/B

State of Maine
 Department of Corrections
 Trust Account Statement

Run Date:	9/14/2021	Current Total Balance:	\$104.92
Facility:	Maine State Prison	Available Trust:	\$6.17
Date of Birth:	5/25/1982	Available Phone:	\$98.75
Account Activity from:	8/17/2021 - 9/13/2021	Available DHHS:	\$0.00
Prisoner/Resident Phone Allowance Date:		Other Funds:	\$0.00
Other Funds:		Savings:	\$0.00
Trust Frozen:	\$0.00	Phone Held Funds:	\$0.00
Trust Held:	\$0.00	DHHS Held Funds:	\$0.00

Date	Hold Release Date	Transaction	Received From/Paid To	Reference	Amount	Phone Available	Trust Available
8/17/2021		Begin Balance				\$94.74	\$0.98
8/17/2021		W/D Phone Account	10 min.	TXN# 233226061	(\$0.90)	\$93.84	\$0.98
8/17/2021		W/D Phone Account	6 min.	TXN# 233226207	(\$0.54)	\$93.30	\$0.98
8/18/2021		Sales Return		1571952	\$5.26		\$6.24
8/20/2021		Canteen Reg Sale	Maine State Prison	1574314	(\$4.80)		\$1.44
8/22/2021		W/D Phone Account	24 min.	TXN# 233255488	(\$2.16)	\$91.14	\$1.44
8/22/2021		W/D Phone Account	30 min.	TXN# 233256508	(\$2.70)	\$88.44	\$1.44
8/22/2021		W/D Phone Account	1 min.	TXN# 233256796	(\$0.09)	\$88.35	\$1.44
8/25/2021		W/D Phone Account	30 min.	TXN# 233272066	(\$2.70)	\$85.65	\$1.44
8/26/2021		Recd Miscellaneous	RYAN OCONNOR	WEB-20210826	\$100.00		\$101.44
8/26/2021		Monies on Hold	Payer	WEB-20210826	(\$100.00)		\$1.44
8/26/2021		Recd Phone Account	RYAN OCONNOR	WEB-20210826	\$50.00	\$135.65	\$1.44
8/26/2021		Phone Funds on Hold	Payer	WEB-20210826	(\$50.00)	\$85.65	\$1.44
8/27/2021		W/D Phone Account	27 min.	TXN# 233278823	(\$2.43)	\$83.22	\$1.44
8/27/2021		W/D Phone Account	15 min.	TXN# 233278934	(\$1.35)	\$81.87	\$1.44
8/28/2021		W/D Phone Account	30 min.	TXN# 233284106	(\$2.70)	\$79.17	\$1.44
8/28/2021		W/D Phone Account	30 min.	TXN# 233284316	(\$2.70)	\$76.47	\$1.44
8/29/2021		W/D Phone Account	30 min.	TXN# 233288508	(\$2.70)	\$73.77	\$1.44
8/29/2021		W/D Phone Account	30 min.	TXN# 233288696	(\$2.70)	\$71.07	\$1.44
8/30/2021		Release from Hold	RYAN OCONNOR	WEB-20210826	\$100.00		\$101.44
8/30/2021		Court Ordered Restitution	Central Office, Administration	CUMCD-CR-2016-00488	(\$25.00)		\$76.44
8/30/2021		Phone Release Hold	Payer	WEB-20210826	\$50.00	\$121.07	\$76.44
8/30/2021		W/D Phone Account	30 min.	TXN# 233291774	(\$2.70)	\$118.37	\$76.44

MDOC#: 166625

State of Maine

Client Name: Gaston, Noah

Department of Corrections

Housing Level: MSP/Close/D Pod/D209/B

Trust Account Statement

Date	Hold Release Date	Transaction	Received From/Paid To	Reference	Amount	Phone Available	Trust Available
8/31/2021		W/D Phone Account	12 min.	TXN# 233296361	(\$1.08)	\$117.29	\$76.44
9/2/2021		Canteen Reg Sale	Maine State Prison	1577454	(\$59.58)		\$16.86
9/3/2021		W/D Phone Account	30 min.	TXN# 233306900	(\$2.70)	\$114.59	\$16.86
9/5/2021		W/D Phone Account	27 min.	TXN# 233316105	(\$2.43)	\$112.16	\$16.86
9/5/2021		W/D Phone Account	3 min.	TXN# 233316246	(\$0.27)	\$111.89	\$16.86
9/5/2021		W/D Phone Account	16 min.	TXN# 233316317	(\$1.44)	\$110.45	\$16.86
9/5/2021		Bottle Return	BOTTLE RETURN INCENTIVE	78988	\$0.05		\$16.91
9/6/2021		W/D Phone Account	19 min.	TXN# 233320165	(\$1.71)	\$108.74	\$16.91
9/6/2021		W/D Phone Account	25 min.	TXN# 233320303	(\$2.25)	\$106.49	\$16.91
9/7/2021		W/D Phone Account	30 min.	TXN# 233323744	(\$2.70)	\$103.79	\$16.91
9/10/2021		Sales Return		1577454	\$5.26		\$22.17
9/10/2021		Canteen Reg Sale	Maine State Prison	1579258	(\$16.00)		\$6.17
9/10/2021		W/D Phone Account	22 min.	TXN# 233337081	(\$1.98)	\$101.81	\$6.17
9/10/2021		W/D Phone Account	4 min.	TXN# 233337253	(\$0.36)	\$101.45	\$6.17
9/12/2021		W/D Phone Account	30 min.	TXN# 233345083	(\$2.70)	\$98.75	\$6.17

MDOC#: 166625
Client Name: Gaston, Noah
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State of Maine
Department of Corrections
Trust Account Statement

Run Date:	8/17/2021	Current Total Balance:	\$95.72
Facility:	Maine State Prison	Available Trust:	\$0.98
Date of Birth:	5/25/1982	Available Phone:	\$94.74
Account Activity from:	7/13/2021 - 8/16/2021	Available DHHS:	\$0.00
Prisoner/Resident Phone Allowance Date:		Other Funds:	\$0.00
Other Funds:		Savings:	\$0.00
	Trust Frozen: \$0.00	Phone Held Funds: \$0.00	
	Trust Held: \$0.00	DHHS Held Funds: \$0.00	

Date	Hold Release Date	Transaction	Received From/Paid To	Reference	Amount	Phone Available	Trust Available
7/13/2021		Begin Balance			\$33.26		\$3.78
7/13/2021		W/D Phone Account	7 min.	TXN# 232994875	(\$0.63)	\$32.63	\$3.78
7/13/2021		W/D Phone Account	30 min.	TXN# 232994931	(\$2.70)	\$29.93	\$3.78
7/15/2021		W/D Phone Account	30 min.	TXN# 233008010	(\$2.70)	\$27.23	\$3.78
7/16/2021		Canteen Reg Sale	Maine State Prison	1564770	(\$3.25)		\$0.53
7/20/2021		W/D Phone Account	24 min.	TXN# 233043516	(\$2.16)	\$25.07	\$0.53
7/21/2021		W/D Phone Account	17 min.	TXN# 233049860	(\$1.53)	\$23.54	\$0.53
7/23/2021		W/D Phone Account	22 min.	TXN# 233062416	(\$1.98)	\$21.56	\$0.53
7/23/2021		W/D Phone Account	6 min.	TXN# 233062607	(\$0.54)	\$21.02	\$0.53
7/23/2021		W/D Phone Account	12 min.	TXN# 233062934	(\$1.08)	\$19.94	\$0.53
7/24/2021		W/D Phone Account	4 min.	TXN# 233066941	(\$0.36)	\$19.58	\$0.53
7/24/2021		W/D Phone Account	30 min.	TXN# 233066980	(\$2.70)	\$16.88	\$0.53
7/24/2021		W/D Phone Account	3 min.	TXN# 233067200	(\$0.27)	\$16.61	\$0.53
7/26/2021		W/D Phone Account	4 min.	TXN# 233084697	(\$0.36)	\$16.25	\$0.53
7/26/2021		W/D Phone Account	30 min.	TXN# 233084745	(\$2.70)	\$13.55	\$0.53
7/26/2021		W/D Phone Account	11 min.	TXN# 233086058	(\$0.99)	\$12.56	\$0.53
7/26/2021		W/D Phone Account	30 min.	TXN# 233086185	(\$2.70)	\$9.86	\$0.53
7/27/2021		W/D Phone Account	30 min.	TXN# 233092898	(\$2.70)	\$7.16	\$0.53
8/1/2021		W/D Phone Account	16 min.	TXN# 233125765	(\$1.44)	\$5.72	\$0.53
8/1/2021		W/D Phone Account	30 min.	TXN# 233125893	(\$2.70)	\$3.02	\$0.53
8/2/2021		Recd Miscellaneous	Timothy conley	WEB-20210802	\$20.00		\$20.53
8/2/2021		Monies on Hold	Payer	WEB-20210802	(\$20.00)		\$0.53

MDOC#: 166625

State of Maine

Client Name: Gaston, Noah

Department of Corrections

Housing Level: MSP/Close/D Pod/D209/B

Trust Account Statement

Date	Hold Release Date	Transaction	Received From/Paid To	Reference	Amount	Phone Available	Trust Available
8/2/2021		Recd Phone Account	Timothy conley	WEB-20210802	\$30.00	\$33.02	\$0.53
8/2/2021		Phone Funds on Hold	Payer	WEB-20210802	(\$30.00)	\$3.02	\$0.53
8/2/2021		W/D Phone Account	1 min.	TXN# 233133538	(\$0.09)	\$2.93	\$0.53
8/4/2021		Release from Hold	Timothy conley	WEB-20210802	\$20.00		\$20.53
8/4/2021		Court Ordered Restitution	Central Office, Administration	CUMCD-CR- 2016-00488	(\$5.00)		\$15.53
8/4/2021		Phone Release Hold	Payer	WEB-20210802	\$30.00	\$32.93	\$15.53
8/6/2021		Canteen Reg Sale	Maine State Prison	1570077	(\$14.85)		\$0.68
8/6/2021		W/D Phone Account	24 min.	TXN# 233159177	(\$2.16)	\$30.77	\$0.68
8/9/2021		Recd Miscellaneous	Donavan Gaston	WEB-20210809	\$80.00		\$80.68
8/9/2021		Monies on Hold	Payer	WEB-20210809	(\$80.00)		\$0.68
8/9/2021		Recd Phone Account	Donavan Gaston	WEB-20210809	\$70.00	\$100.77	\$0.68
8/9/2021		Phone Funds on Hold	Payer	WEB-20210809	(\$70.00)	\$30.77	\$0.68
8/10/2021		W/D Phone Account	30 min.	TXN# 233182832	(\$2.70)	\$28.07	\$0.68
8/11/2021		Release from Hold	Donavan Gaston	WEB-20210809	\$80.00		\$80.68
8/11/2021		Court Ordered Restitution	Central Office, Administration	CUMCD-CR- 2016-00488	(\$20.00)		\$60.68
8/11/2021		Phone Release Hold	Payer	WEB-20210809	\$70.00	\$98.07	\$60.68
8/13/2021		W/D Phone Account	30 min.	TXN# 233199482	(\$2.70)	\$95.37	\$60.68
8/13/2021		W/D Phone Account	7 min.	TXN# 233199779	(\$0.63)	\$94.74	\$60.68
8/13/2021		Canteen Reg Sale	Maine State Prison	1571952	(\$59.70)		\$0.98