

21-5996

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

SEP 28 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

pro se Jayson Thomas Weiss — PETITIONER
(Your Name)

VS.

Xavier Becerra 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):

☒ 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.

Jayson Thomas Weiss
(Signature)

RECEIVED

OCT - 5 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Jayson Thomas Weiss, 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>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>NA</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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
<u>NA</u>	<u>NA</u>	<u>NA</u>	\$ <u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</u>	\$ <u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</u>	\$ <u>NA</u>

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
<u>NA</u>	<u>NA</u>	<u>NA</u>	\$ <u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</u>	\$ <u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</u>	\$ <u>NA</u>

4. How much cash do you and your spouse have? \$ 0
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
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>

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

☐ Home
Value NA

☐ Other real estate
Value NA

☐ Motor Vehicle #1
Year, make & model NA
Value NA

☐ Motor Vehicle #2
Year, make & model NA
Value NA

☐ Other assets
Description NA
Value NA

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

NA

Amount owed to you

\$ NA

Amount owed to your spouse

\$ NA

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

NA

Relationship

NA

Age

NA

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.

Rent or home-mortgage payment
(include lot rented for mobile home)

Are real estate taxes included? ☒ Yes ☐ No

Is property insurance included? ☒ Yes ☐ No

You

\$ NA

Your spouse

\$ NA

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ NA

\$ NA

Home maintenance (repairs and upkeep)

\$ NA

\$ NA

Food

\$ NA

\$ NA

Clothing

\$ NA

\$ NA

Laundry and dry-cleaning

\$ NA

\$ NA

Medical and dental expenses

\$ NA

\$ NA

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

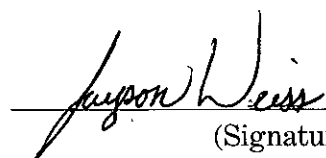
If yes, state the person's name, address, and telephone number:

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

I am in prison

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

Executed on: September 28, 2021


(Signature)

Date\Time: 9/15/2021 9:07:11 AM

Institution: COR

CDCR

Verified: _____

Inmate Statement Report

Start Date:	3/1/2021	Revalidation Cycle:	All
End Date:	9/15/2021	Housing Unit:	All
Inmate/Group#:	BK0175		



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY *[Signature]*
TRUST OFFICE

9/15/21

Inmate Statement Report

CDCR#	Inmate/Group Name	Institution	Unit	Cell/Bed
BK0175	WEISS, JAYSON	COR	03B005 1	146001

Current Available Balance: \$23.57

Transaction List

Transaction Date	Institution	Transaction Type	Source Doc#	Receipt#/Check#	Amount	Account Balance
03/01/2021	COR	BEGINNING BALANCE				\$0.62
08/05/2021	COR	I/M PAY - SUPPORT	#037 3B JULY		\$23.00	\$23.62
08/05/2021	COR	DIRECT ORDER PAYMENT	#037 3B JULY		(\$11.50)	\$12.12
08/05/2021	COR	ADMINISTRATIVE FEE	#037 3B JULY		(\$1.15)	\$10.97
08/06/2021	COR	GTL	8053009182500127		\$5.00	\$15.97
08/06/2021	COR	DIRECT ORDER PAYMENT	8053009182500127		(\$2.50)	\$13.47
08/06/2021	COR	ADMINISTRATIVE FEE	8053009182500127		(\$0.25)	\$13.22
09/08/2021	COR	I/M PAY - SUPPORT	#066 3B AUG		\$23.00	\$36.22
09/08/2021	COR	DIRECT ORDER PAYMENT	#066 3B AUG		(\$11.50)	\$24.72
09/08/2021	COR	ADMINISTRATIVE FEE	#066 3B AUG		(\$1.15)	\$23.57

Encumbrance List

Encumbrance Type	Transaction Date	Amount
No information was found for the given criteria.		

Obligation List

Obligation Type	Court Case#	Original Owed Balance	Sum of Tx for Date Range for Oblg	Current Balance
No information was found for the given criteria.				

Restitution List

Restitution	Court Case#	Status	Original Owed Balance	Interest Accrued	Sum of Tx for Date Range for Oblg	Current Balance
DIRECT ORDER	FVI18001967	Active	\$7,434.81	\$0.00	(\$25.50)	\$7,161.81
RESTITUTION FINE	FVI18001967	Active	\$5,000.00	\$0.00	\$0.00	\$5,000.00



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.

ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY [Signature]
TRUST OFFICE

9/15/21

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO

No. E073330

People v. Jayson T. Weiss

Superior Court No. FVI18001967 SAN BERNARDINO County

ORDER VACATING APPOINTMENT OF COUNSEL
ON APPEAL AND APPOINTING NEW COUNSEL

THE COURT:

Good cause having been shown, the order filed 8/28/2019, appointing Richard C. Power to represent the appellant is VACATED.

Lynelle K. Hee is appointed to represent the appellant.

The case will be an Appellate Defenders, Inc. staff case.

Submitted by: Din Villa April 30, 2021
Appellate Defenders, Inc.

____ The record on appeal has not been filed.

____ The time to file the appellant's opening brief is extended to:

RAMIREZ

Presiding Justice

cc: Attorney General, District Attorney, ADI, appointed attorney (if other than ADI),
defendant, relieved counsel:

Attorney's Name & Address

Lynelle K. Hee
555 W. Beech St., Ste. 300
San Diego, CA 92101
(619)-696-0282
lkh@adi-sandiego.com
State Bar No. 167034
(D10s.gc-Crim)

Appellant's Name & Address

✓ Jayson T. Weiss
BK0175
P.O. Box 8800
Corcoran, CA 93212

APPELLATE DEFENDERS, INC.
555 WEST BEECH ST.
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Fax: (619) 696-7789
www.adi-sandiego.com

May 3, 2021

Jayson T. Weiss
BK0175
P.O. Box 8800
Corcoran, CA 93212

RE: People v. Jayson Weiss
Court of Appeal No.: E073330
San Diego Superior Court No.: FWI18001967

Dear Mr. Weiss:

Your attorney, Richard Power passed away. I have been appointed to represent you for the direct appeal.

At this point, the briefing is complete and we are awaiting the court's decision. I will let you know when the court has issued the opinion.

You can write to me at the above address. Our office is closed during COVID-19, so the best way to communicate is by letter. Please contact me if you have any questions.

Sincerely,

Lynelle K. Hee
Lynelle K. Hee
Staff Attorney