

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2021

JAMES OSGOOD, *Petitioner*,

v.

STATE OF ALABAMA, *Respondent*.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner James Osgood, pursuant to Rule 39 of the Supreme Court Rules, respectfully requests leave to file the attached Petition for a Writ of Certiorari to the Alabama Court of Criminal Appeals without prepayment of costs and to proceed *in forma pauperis*.

Petitioner was found to be indigent prior to trial. Pursuant to Ala. Code § 15-12-21(a), the Chilton County Circuit Court appointed counsel to represent Mr. Osgood at trial. See Appendix A, at 2 (“Order of Court”). Mr. Osgood maintained his indigency status in all subsequent proceedings in the Alabama trial and appellate courts.

For these reasons, Mr. Osgood respectfully requests that this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully submitted,

/s/Alison N. Mollman
ALISON N. MOLLMAN
122 Commerce Street
Montgomery, AL 36111
(334) 269-1803
amollman@eji.org

Counsel of Record for Petitioner

October 18, 2021

Appendix A

State of Alabama
Unified Judicial System

Form C-10
Page 1 of 2

Rev. 2/95

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Case Number

CC 2012 000002100

IN THE _____ COURT OF _____, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

STYLE OF CASE: _____ v. _____
Plaintiff(s) _____ Defendant(s) _____

TYPE OF PROCEEDING: Criminal CHARGE(s) (If applicable): Murder

CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.

CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.

CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.

DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name JAMES LEE Ogle Date of birth Aug 28, 1969
Spouse's full name (if married) N/A
Complete home address 131 Galloway Dr. Anniston, AL 36201
38 Pelham heights Anniston, AL 36204
Number of people living in household 1
Home telephone number N/A
Occupation/Job N/A Length of employment N/A
Driver's license number N/A Social Security Number 414-04-4047
Employer N/A Employer's telephone number N/A
Employer's address N/A

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

AFDC Food Stamps SSI Medicaid Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income

\$ 0
0
0
0
0
0
0
0

Spouse's Monthly Gross Income (unless a marital offense)
Other Earnings: Commissions, Bonuses, Interest Income, etc.
Contributions from Other People Living in Household
Unemployment/Workmen's Compensation,
Social Security, Retirement, etc.
Other Income (be specific)

TOTAL MONTHLY GROSS INCOME

\$ 0

Monthly Expenses:

A. Living Expenses

Rent/Mortgage

Total Utilities: Gas, Electricity, Water, etc.

Food

Clothing

Health Care/Medical

Insurance

Car Payment(s)/Transportation Expenses

Loan Payment(s)

\$ 0
0
0
0
0
0
0
0

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)

Educational/Employment Expenses

Other Expenses (be specific)

\$
\$
\$

Sub-Total

A \$ 17

B. Child Support Payment(s)/Alimony

\$ 0

Sub-Total

B \$ 0

C. Exceptional Expenses

\$ 0

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

\$ 0

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ 0

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

\$ 0

Equity in Real Estate (value of property less what you owe)

\$ 0

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

\$ 0

Other (be specific)

\$ 0

Do you own anything else of value? Yes No

(land, house, boat, TV, stereo, jewelry)

If so, describe

TOTAL LIQUID ASSETS

\$ 0

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

3 day of March 2012

James Lee Osgood

Affiant's Signature

James Lee Osgood

Print or Type Name

Judge/Clerk/Notary

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

 Affiant is not indigent and request is DENIED. Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ 0 toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: Affiant is indigent and request is GRANTED. The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that Robert Brewers is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this day of 2012

Sibley Reynolds, Jr.

Judge