

No.

IN THE SUPREME COURT OF THE UNITED STATES

DELILAH COLARTE, PETITIONER

v.

STATE OF FLORIDA, RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE DISTRICT COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT*

PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS

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The Petitioner, Delilah Colarte, moves this Court, pursuant to Rule 39.1, Rules of the Supreme Court, to declare her indigent and allow her to proceed in forma pauperis in this cause, in particular to waive any filing fees. As grounds therefore, Petitioner says:

1. Petitioner applies for a writ of certiorari to review the decision of the Fourth District Court of Appeal that resulted in the affirmance of her conviction based on the denial of her motion to suppress.
2. Petitioner was declared indigent for purposes of appeal. The state court below appointed the office of undersigned counsel for Petitioner as an indigent party pursuant to section 27.51(1)(f), Florida Statutes.
3. Federal law requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28 U.S.C. § 1915(a).
4. Refusal to allow Petitioner to proceed in forma pauperis would deny her equal protection of the law, meaningful access to the courts, and due process of law because she cannot otherwise get the review to which a more affluent defendant would be entitled. *See Burns v. Ohio*, 360 U.S. 252 (1959) (fees should be waived for discretionary appeal by indigent); *Smith v. Bennett*, 365 U.S. 708 (1961) (fees should be waived for indigent prisoner seeking state habeas relief).

WHEREFORE, Petitioner moves that this Court declare her indigent and allow filing and prosecution of her petition without payment of any fees or costs.

Respectfully submitted,

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