

No. 21-6784

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
OCT 25 2021  
OFFICE OF THE CLERK

Brian James Talbot — PETITIONER  
(Your Name)

VS.

Commonwealth of Virginia 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):

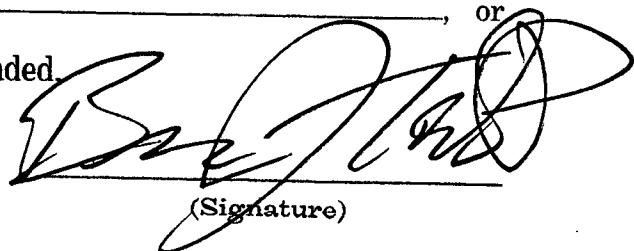
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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.

  
(Signature)

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

I, Brian James Talbot, 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. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Self-employment	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Income from real property (such as rental income)	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Interest and dividends	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Gifts	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Alimony	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Child Support	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Disability (such as social security, insurance payments)	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Unemployment payments	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Public-assistance (such as welfare)	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>	\$ <u>0. 00</u>
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total monthly income:</b>	<b>\$ <u>0. 00</u></b>	<b>\$ <u>0. 00</u></b>	<b>\$ <u>0. 00</u></b>	<b>\$ <u>0. 00</u></b>

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>None</u>	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

\* *I have been incarcerated continuously since November 30, 2018.*

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>None</u>	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

\* *I am not married.*

4. How much cash do you and your spouse have? \$ 0.00

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>None</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 None

Other real estate

Value None

Motor Vehicle #1

Year, make & model \_\_\_\_\_

Value None

Motor Vehicle #2

Year, make & model \_\_\_\_\_

Value None

Other assets

Description \_\_\_\_\_

Value None

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
None	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
None	_____	_____
_____	_____	_____
_____	_____	_____

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.

\* None as I am incarcerated.

\* I have no other family members I support.

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

Are real estate taxes included?  Yes  No

Is property insurance included?  Yes  No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)      \$ \_\_\_\_\_      \$ \_\_\_\_\_

Home maintenance (repairs and upkeep)      \$ \_\_\_\_\_      \$ \_\_\_\_\_

Food      \$ \_\_\_\_\_      \$ \_\_\_\_\_

Clothing      \$ \_\_\_\_\_      \$ \_\_\_\_\_

Laundry and dry-cleaning      \$ \_\_\_\_\_      \$ \_\_\_\_\_

Medical and dental expenses      \$ \_\_\_\_\_      \$ \_\_\_\_\_

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
<b>Total monthly expenses:</b>	<u>\$ 0.00</u>	<u>\$ 0.00</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? \$ 5,000

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

Matthew T. Morris, Esq.  
510 South Independence Blvd., suite 200  
Virginia Beach, VA 23452  
757-945-0207

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 have used the entirety of my assets defending this case up to this point. I have been continuously incarcerated since November of 2018 on these matters. I am pending trial on another charge & have been declared Indigent. I declare under penalty of perjury that the foregoing is true and correct. by the Virginia Beach

Executed on: December 28, 2021

Circuit Court & appointed the  
Public Defender.

(Signature)

