

No. 21-6784

ORIGINAL

Supreme Court, U.S.
FILED

OCT 25 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

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: _____

☐ 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): _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Total monthly income: | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</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 |
|-------------|---------|---------------------|-------------------|
| <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 |
|---------------------------------------|--------------------|----------------------------|
| <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 |
|-------------|--------------|-------|
| <u>None</u> | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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)

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

| You | Your spouse |
|----------|-------------|
| \$ _____ | \$ _____ |

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

| | |
|----------|----------|
| \$ _____ | \$ _____ |
|----------|----------|

Home maintenance (repairs and upkeep)

| | |
|----------|----------|
| \$ _____ | \$ _____ |
|----------|----------|

Food

| | |
|----------|----------|
| \$ _____ | \$ _____ |
|----------|----------|

Clothing

| | |
|----------|----------|
| \$ _____ | \$ _____ |
|----------|----------|

Laundry and dry-cleaning

| | |
|----------|----------|
| \$ _____ | \$ _____ |
|----------|----------|

Medical and dental expenses

| | |
|----------|----------|
| \$ _____ | \$ _____ |
|----------|----------|

| | You | Your spouse |
|---|----------|-------------|
| 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): _____ | \$ _____ | \$ _____ |
| Total monthly expenses: | \$ 0.00 | \$ 0.00 |

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 by the Virginia Beach Circuit Court + appointed the Public Defender.

Executed on: December 28, 2021

(Signature)