

Case Number \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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NATHANIAL COLLINS,

*Petitioner,*

v.

STATE OF ALABAMA

*Respondent.*

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On Petition for a Writ of Certiorari from the Alabama Supreme Court

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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Petitioner, Nathaniel Collins, by and through his undersigned attorney, pursuant to Supreme Court Rule 39.1 and Title 18, United States Code, Section 3006A(d)(7), respectfully moves this Honorable Court for leave to proceed *in forma pauperis* and for leave to file the attached Petition for Writ of Certiorari from the Alabama Supreme Court without prepayment of fees. The courts below have appointed counsel for the Petitioner, Nathaniel Collins, an indigent party.

The Petitioner was previously found indigent at trial and appellate proceedings in the Circuit Court of Etowah County, Alabama, and has continued as such through the appellate process. *See Order Approving Withdrawal of Trial*

Counsel and Appointing Appellate Counsel in 31-CC-2011-477.72 & 31-CC-2013-1071.70 (Etowah County, Alabama January 5, 2021) (attached hereto as Exhibit "A").

Due to a prior appointment of counsel, a new affidavit is not required under Supreme Court Rule 39 and 18 U.S.C. § 3306A(d)(7).

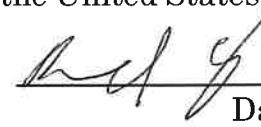
Respectfully submitted,

  
\_\_\_\_\_  
DAVID BENTON KING

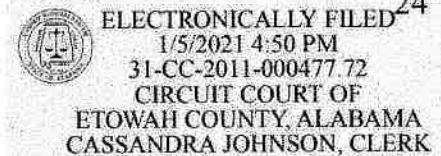
*Counsel of Record*  
WILLIAMS, DRISKILL, HUFFSTUTLER,  
& KING, LLC  
2100 CLUB DRIVE, SUITE 150  
GADSDEN, AL 35901  
(256) 442-0201  
DAVID@WILLIAMSATTORNEYATLAW.COM  
Counsel for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing upon all Parties at interest at the same time in which this Motion has been filed with the United States Supreme Court.

  
\_\_\_\_\_  
David King

# Exhibit “A”

**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA**

STATE OF ALABAMA

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V.

) Case No.: CC-2011-000477.72

COLLINS NATHANIEL  
Defendant.

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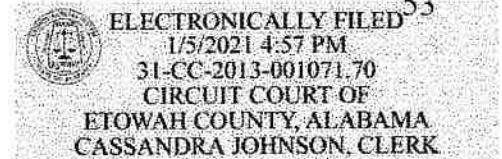
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**ORDER APPROVING WITHDRAWAL OF TRIAL COUNSEL  
AND APPOINTING APPELLATE COUNSEL**

The motion of Morgan Cunningham, Esq., to withdraw as attorney of record for the Defendant is hereby granted. David King, Esq., is appointed appellate counsel for the Defendant.

**DONE this 5<sup>th</sup> day of January, 2021.**

/s/ GEORGE C. DAY, JR.  
CIRCUIT JUDGE

**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA**

STATE OF ALABAMA

)

V.

) Case No.: CC-2013-001071,70

COLLINS NATHANIEL DAVIS  
Defendant.

)

)

)

**ORDER APPROVING WITHDRAWAL OF TRIAL COUNSEL  
AND APPOINTING APPELLATE COUNSEL**

The motion of Morgan Cunningham, Esq., to withdraw as attorney of record for the Defendant is hereby granted. David King, Esq., is appointed appellate counsel for the Defendant.

A copy of this Order shall be transmitted by the Clerk of the Court to David King, Esq.

**DONE this 5<sup>th</sup> day of January, 2021.**

/s/ GEORGE C. DAY, JR.  
**CIRCUIT JUDGE**