

No. _____

IN THE
Supreme Court of the United States

RYAN ANTONIO MATTHEWS,
PETITIONER,

V.

BOBBY LUMPKIN, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,
RESPONDENT.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Supreme Court Rule 39, the Petitioner, Ryan Antonio Matthews, through his attorney, Bryan W.L. Garris, requests that this Court grant him leave to proceed *in forma pauperis*. In support of this Motion, the Petitioner would respectfully show:

I.

Petitioner has not previously sought leave to proceed *in forma pauperis* in any other court during prior proceedings related to this federal civil action. However, Petitioner was found indigent, and had court-appointed counsel in his original state-level trial proceedings and on direct appeal, as related to the criminal case giving rise to this action. A copy of those orders appointing counsel are attached to this motion.

Petitioner is not able to afford the costs associated with filing his Petition for Writ of Certiorari and requests that this Court grant him leave to file the Petition for Writ of Certiorari without prepayment of fees or costs, and proceed *in forma pauperis*.

I declare under penalty of perjury under the laws of the United States of America, the foregoing is true and correct.

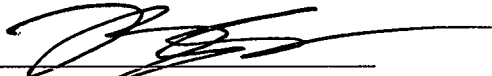
Respectfully submitted,



Bryan W.L. Garriss
Texas Bar No. 24079945
300 Main Street, Suite 300
Houston, Texas 77002
Tel: 713-655-9000
Fax: 713-655-1812
Bryan@txdefense.net
ATTORNEY FOR PETITIONER

CERTIFICATE OF MAILING

I hereby certify that, on the 25st day of January, 2022, this pleading was served on the Court and opposing counsel via the United States Postal Service.



Bryan W.L. Garriss

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

I, Ryan Matthews, 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</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Inmate Trust Fund Payment from Parents</u>	\$ <u>100</u> Approx.	\$ <u>N/A</u>	\$ <u>100</u>	\$ <u>0</u>
Total monthly income:	\$ <u>100</u> Approx.	\$ <u>N/A</u>	\$ <u>100</u>	\$ <u>0</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
N/A - None	N/A	N/A	\$ N/A
			\$
			\$

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
N/A	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
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
Inmate Trust Fund Acct.	\$ 0	\$ NA
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home N/A
Value _____

☐ Other real estate N/A
Value _____

☐ Motor Vehicle #1 N/A
Year, make & model _____
Value _____

☐ Motor Vehicle #2 N/A
Year, make & model _____
Value _____

☐ Other assets N/A
Description _____
Value _____

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
N/A - None	\$ N/A - None	\$ N/A
	\$	\$
	\$	\$

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
N/A - 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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0	\$ N/A
Food	Approx. \$ 80	\$ N/A
Clothing	Approx. \$ 20	\$ N/A
Laundry and dry-cleaning	\$ 0	\$ N/A
Medical and dental expenses	\$ 0	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>Approx. 100</u>	\$ <u>N/A</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? \$10,000 - I have paid no money, but my parents have paid \$10,000 for this Federal lawsuit.

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

Bryan Cherry, 300 Main St. Suite 300 Houston, TX 77001, 832-792-8915

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? _____

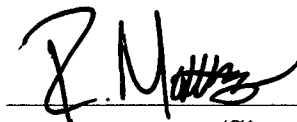
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I'm currently incarcerated and indigent. I've had court appointed counsel at my trial and my appeal. The TX court found that I was in forma pauperis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 20, 2012



(Signature)

Case 3:19-cv-00192 Document 16-9 Filed on 12/13/19 in TXSD Page 16 of 385
**TEXAS FAIR DEFENSE ACT ROTATIONAL APPOINTMENT SYSTEM
FOR BRAZORIA COUNTY, TEXAS**

Denise Damian, Court Administrator
111 E. Locust, Room 309
Angleton, TX 77515
979-864-1263 Phone
979-864-1893 Fax
denised@brazoria-county.com

Iris Huerta, Indigent Defense Coordinator
111 E. Locust, Room 309
Angleton, TX 77515
979-864-1683 Phone
979-864-1893 Fax
irish@brazoria-county.com

NOTICE OF APPOINTMENT AND CONFIRMATION

DATE ATTORNEY APPOINTED: 06/04/14

ATTORNEY INFORMATION:

Name: STICKLER, TOM	Phone: (281) 331-5288
Address: 235 W SEALY ALVIN, TX 77511	Fax: (281) 331-9346

In accordance with the Local Rules of Administration implementing the Texas Fair Defense Act for Brazoria County, Texas ("BCTFDA"), the defendant has been appointed the attorney named above.

The appointed attorney is required to provide the Court with written confirmation that the attorney made reasonable efforts to contact the defendant by the end of the first working day after the date of the appointment and that the attorney personally interviewed the defendant no later than fifteen (15) days after Notice of Appointment. The confirmation must be filed with the Verification Officer no later than three (3) days before my first court appearance for this case. If you have any questions, you may contact the Court Administrator or the Verification Officer.

HEARING INFORMATION

Date	Time	Event
08/27/2014	09:00am	PRE TRIAL
11/18/2014	09:00am	ANNOUNCEMENT HEARING
12/01/2014	09:00am	TRIAL

DEFENDANT INFORMATION:

Name: MATTHEWS, RYAN ANTONIO	Cause No: 73841
Address: 3211 LEE CIRCLE PEARLAND, TX 77581	Court: 239TH DISTRICT COURT
Phone: 713-817-6205	
Case Information: CAPITAL MURDER; FX	
Defendant is in jail: YES	Refiled: TRUE
Docket Control Order Attached: NO	

ACKNOWLEDGMENT:

- ☐ I made reasonable efforts to contact defendant before the end of the first business day.
☐ I interviewed the defendant no later than fifteen (15) days after date of my appointment.

Attorney Signature

Date

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Attorney Signature

Date

8-5-14

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FILED FOR RECORD
2014 AUG -7 AM 10:54
DISTRICT CLERK
BRAZORIA COUNTY, TEXAS

Cause No. 73841

The State of Texas

V.

Ryan Antonio Matthews

In the 239th District Court

Of

Brazoria County, Texas

FILED
at 1107 o'clock
APR 29 2015
Rhonda Barchak
Clerk of District Court Brazoria Co., Texas
KMM DEPUTY

Pauper's Oath for Appeal

Now comes Ryan Antonio Matthews, defendant in the above styled and numbered cause, being duly sworn, states that he is indigent and has no money to hire an attorney to represent him on an appeal in the above mentioned cause; and that he has no money to pay for a Transcript and Statement of Facts for appeal.

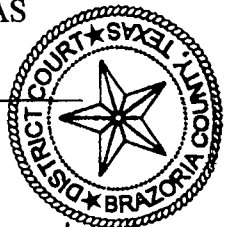
Wherefore Defendant prays that he be permitted to appeal in forma pauperis.

Ryan Matthews
Defendant

Sworn to and subscribed before me by the defendant on this the 29th day of April, 2015.

RHONDA BARCHAK
DISTRICT CLERK
BRAZORIA COUNTY, TEXAS

By Helen Hall
Helen Hall, Deputy



Order Appointing Attorney on Appeal

On this 29 day of April, A.D., 2015, came on to be heard the Pauper's Oath of the Defendant that she did not have sufficient funds to pay for a record on appeal, and the Court having heard evidence and being of the opinion that said affidavit is true;

It is therefore, ORDERED, ADJUDGED and DECREED that Kyle Vervett be appointed to represent said defendant on appeal, and that the Court Reporter and Clerk prepare the necessary record for appeal without cost to the Defendant.

[Signature]

Judge Presiding