

No. \_\_\_\_\_

**IN THE SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 2021**

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**SHERMAN COLLINS,**

**Petitioner,**

**v.**

**STATE OF ALABAMA,**

**Respondent.**

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**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE ALABAMA COURT OF CRIMINAL APPEALS**

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**MOTION TO PROCEED *IN FORMA PAUPERIS***

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Petitioner Sherman Collins, pursuant to Rule 39 of the Rules of the Supreme Court of the United States, respectfully requests leave to file the attached Petition for Writ of Certiorari to the Alabama Court of Criminal Appeals without prepayment of costs and to proceed *in forma pauperis*. Petitioner was declared indigent prior to his trial and proceeded *in forma pauperis* in all prior proceedings in state court. See Sup. Ct. R. 39(1). The order appointing counsel is attached as Appendix A and is in the Clerk's Record at

page 13.<sup>1</sup> The order appointing co-counsel is attached as Appendix B and is in the Clerk's Record at 29.

For these reasons, Mr. Collins respectfully requests that this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully Submitted,

/s/ Randall S. Susskind  
RANDALL S. SUSSKIND  
COUNSEL OF RECORD  
JAMES M. HUBBARD  
122 Commerce Street  
Montgomery, AL 36104  
(334) 269-1803  
rsusskind@eji.org  
mhubbard@eji.org

March 7, 2022

*Counsel for Petitioner*

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<sup>1</sup>This order is redacted pursuant to Sup. Ct. R. 34.6.

# Appendix A



## AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)

Educational/Employment Expenses

Other Expenses (be specific)

Sub-Total

A \$ \_\_\_\_\_

B. Child Support Payment(s)/Alimony

\$ \_\_\_\_\_

B \$ \_\_\_\_\_

C. Exceptional Expenses

\$ \_\_\_\_\_

TOTAL MONTHLY EXPENSES (add subtotals from A &amp; B monthly only) \$ \_\_\_\_\_

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

Social security  
disability

\$ 628

## 4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

\$ \_\_\_\_\_

Equity in Real Estate (value of property less what you owe)

\$ \_\_\_\_\_

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

\$ \_\_\_\_\_

Other (be specific)

Do you own anything else of value?  Yes  No  
(land, house, boat, TV, stereo, jewelry)

\$ \_\_\_\_\_

If so, describe \_\_\_\_\_

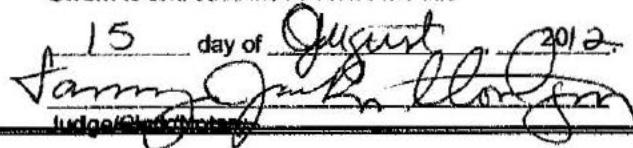
TOTAL LIQUID ASSETS

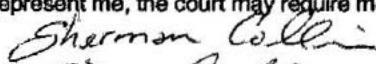
\$ \_\_\_\_\_

## 5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

15 day of August 2012.  
  
 Judge/Trial Commissioner


Affiant's Signature

✓ SHERMAN COLLINS

Print or Type Name

## ORDER OF COURT

## SECTION II.

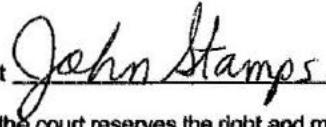
IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

G Affiant is not indigent and request is DENIED.

G Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ \_\_\_\_\_ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows:

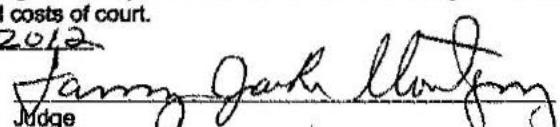
G Affiant is indigent and request is GRANTED.

G The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that  John Stamps, is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 15 day of August 2012.

  
 Judge

# Appendix B

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

STATE OF ALABAMA )  
V. ) Case No.: CC-2012-000109.00  
COLLINS SHERMAN )  
Defendant. )

## ORDER

Kyra Sparks is hereby appointed as co-counsel in the above-styled matter.

**DONE this 1<sup>st</sup> day of October, 2012.**

/s/ EDDIE HARDAWAY  
**CIRCUIT JUDGE**