

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2021

SHERMAN COLLINS,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

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

MOTION TO PROCEED *IN FORMA PAUPERIS*

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 13.¹ 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
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Montgomery, AL 36104
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March 7, 2022

Counsel for Petitioner

¹This order is redacted pursuant to Sup. Ct. R. 34.6.

Appendix A

State of Alabama
Unified Judicial System

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Case Number
DC 2012-246

Form C-10
Page 1 of 2
Rev. 2/95

IN THE District COURT OF Sumter, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

STYLE OF CASE: State of Alabama v. Sherman Collins
Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: _____ CHARGE(s) (if applicable): _____

- CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.
- DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

FILED

SECTION I.

1. IDENTIFICATION

Full name SHERMAN COLLINS Date of Birth AUG 20 2012 [REDACTED] /1976

Spouse's full name (if married) _____

Complete home address [REDACTED] NEW ORLEANS, LOUISIANA
70113 SUMTER COUNTY, ALABAMA

Number of people living in household 2

Home telephone number 504 524 5277

Occupation/Job DISABLED Length of employment _____

Driver's license number _____ *Social Security Number [REDACTED]

Employer _____ Employer's telephone number _____

Employer's address _____

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

- AFDC
- Food Stamps
- SSI
- Medicaid
- Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income \$ 628

Spouse's Monthly Gross Income (unless a marital offense) _____

Other Earnings: Commissions, Bonuses, Interest Income, etc. _____

Contributions from Other People Living in Household _____

Unemployment/Workmen's Compensation, Social Security, Retirements, etc. _____

Other Income (be specific) _____

TOTAL MONTHLY GROSS INCOME \$ 628.00

Monthly Expenses:

- A. Living Expenses
- Rent/Mortgage \$ _____
- Total Utilities: Gas, Electricity, Water, etc. _____
- Food _____
- Clothing _____
- Health Care/Medical _____
- Insurance _____
- Car Payment(s)/Transportation Expenses _____
- Loan Payment(s) _____

~~_____~~
lives w/ mother

*OPTIONAL

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 \$ _____

Sub-Total B \$ _____

C. Exceptional Expenses \$ _____

TOTAL MONTHLY EXPENSES (add subtotals from A & 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

Jerry John Blong
Judge/Clerk/Magistrate

Sherman Collins
Shm Collins
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:

Affiant is not indigent and request is DENIED.

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: _____

Affiant is indigent and request is GRANTED.

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 15th day of August, 2012

Jerry John Blong
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 1st day of October, 2012.

/s/ EDDIE HARDAWAY
CIRCUIT JUDGE