

IN THE SUPREME COURT OF THE UNITED
STATES OF AMERICA

Terry Dion Malone, pro se

21-8123

ORIGINAL

V.

Supreme court (Pa): 116 MA

Superior court: 1491 MDA 2

Trial court: CP-06-CR-0004

FILED

OCT 08 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

COMMONWEALTH OF PENNSYLVANIA

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

I, Terry Dion Malone, the Movant in the above cause, moves the court for an order allowing him to proceed in forma pauperis in the attached Petition For Writ Of Certiorari, without being required to prepay and/or pay any fees or costs or give security therefore, in excess of the \$300 filing fee, as provided herewith. A declaration in support of this motion has been attached hereto.

The object of this motion is to enable the Movant to seek Redress of the judgment entered by the lower court on December 14, 2020, as established under docket number 1491 MDA 2019. The trial court has previously granted Movant the ability to proceed in forma pauperis in this matter.

Respectfully submitted,

Date: 10-8-21

Terry Malone

Terry Dion Malone, pro se

#GB1606

SCI-FOREST

P.O. BOX 307

MARIENVILLE, PA 16239

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OCT 19 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED
STATES OF AMERICA

Terry Dion Malone, pro se

V.

Supreme court (Pa): 116 MAL 2021

Superior court: 1491 MDA 2019

Trial court: CP-06-CR-0004433-2017

COMMONWEALTH OF PENNSYLVANIA

DECLARATION ACCOMPANYING MOTION FOR
PERMISSION TO PROCEED IN FORMA PAUPERIS

I, Terry Dion Malone, the pro se Petitioner in the attached, do hereby swear or affirm under penalty of perjury that, because of my poverty. I cannot prepay or pay any fees or costs or give security therefore, in excess of the \$300 filing/docketing fee, as provided herewith. I believe I am entitled to Redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct.

Respectfully submitted,

Date: 10-8-21

Terry Dion Malone
Terry Dion Malone, pro se
#GB1606
SCI-FOREST
P.O. BOX 307
MARIENVILLE, PA 16239

My issue on appeal is:

DID THE SUPERIOR COURT VIOLATE THE DUE-PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT (IN ITS FULLEST CONTEXT) AND THE DICTATES OF THIS COURT IN "PATTERSON V. NEW YORK", 432 U.S. 197 (1977), BY CONCLUDING THE COMMONWEALTH MAINTAINED A REBUTTABLE MANDATORY PRESUMPTION OF PETITIONER'S GUILT ON THE NONAUTHORIZATION ELEMENTS OF THE STATUTES, 35 P.S. §780-113(a)(16), (30) AND (32), UPON WHICH PETITIONER WAS CONVICTED, THAT THE COMMONWEALTH DID NOT HAVE TO OFFICIALLY PROVE AT TRIAL BEYOND A REASONABLE DOUBT, UNTIL PETITIONER CAME FORTH WITH SUFFICIENT EVIDENCE TO PROVE HE WAS AUTHORIZED UNDER THE STATUTE TO MANUFACTURE, POSSESS WITH INTENTS TO DELIVER, OR POSSESS A CONTROLLED SUBSTANCE?

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, semi-annually, 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	\$ 19	\$ N/A	\$ 24	\$ N/A
Self-employment	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Income from real	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Interests and	\$ N/A	\$ N/A	\$ N/A	\$ N/A
dividends	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Gifts	\$ 46.30	\$ N/A	\$ 0	\$ N/A
Alimony	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Child support	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Retirement	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Disability	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Unemployment	\$ N/A	\$ N/A	\$ N/A	\$ N/A
payments	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Public-assistance	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Other: Stimulus	\$ 166.80	\$ N/A	\$ 0	\$ N/A
checks				
Total monthly income:	\$ 24	\$ N/A	\$ N/A \$ 24	\$ N/A

2. List your employment history for the past two years, most recent employer first.

Employer	Address	Dates of employment	Gross monthly pay
SCI-Forest	P.O.Box 307 Marienville, PA	3/15/20-cur- rently	\$23.00
			\$

3. List your spouse's employment history for the past two years, most recent employer first.

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? \$ 435.25

Below, state any money you and your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A	N/A	N/A	N/A

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

Home	Other real estate	Motor vehicle # 1
None	None	None

Motor vehicle #2	Other assets	Other assets
None	None	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
None	None	N/A

7. State the persons who rely on you or your spouse for support.

Name (or if under 18, initials)	Relationship	Age
None	N/A	N/A

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, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or mortgage(include lot rented for mobile home)	N/A	N/A
Are real estate taxes included?	N/A	N/A
Is property insurance included?	N/A	N/A
Utilities	N/A	N/A
Home maintenance	N/A	N/A
Food	N/A	N/A
Clothing	N/A	N/A
Laundry and dry-cleaning	N/A	N/A
Medical and dental expenses	N/A	N/A
Transportation	N/A	N/A
Recreation, entertainment, newspapers, etc.	N/A	N/A
Insurance(not deducted from wages or included in mortgage program)		
Homeowner's or renter's:	N/A	N/A
Life:	N/A	N/A
Health:	N/A	N/A
Motor vehicle:	N/A	N/A
Other:	N/A	N/A
Taxes(not deducted from wages or included in payments):	N/A	N/A
Installment payments		
Motor vehicle:	N/A	N/A
Credit card(name):	N/A	N/A
Department store(name):	N/A	N/A
Other:	N/A	N/A
Alimony, maintenance, and support paid to others	N/A	N/A
Regular expenses for operation of business, or farm(attach detailed statement)	N/A	N/A
Other(specify):	N/A	N/A
Total monthly expenses:	N/A	N/A

9. Do you expect any major changes to your monthly income or expense or assets or liabilities during the next 12 months? Yes, possibly having to file a PCRA/Federal Writ of Habeas Corpus(hopefully not).

10. Have you spent, or will you be spending any money for expenses or attorney fees in connection with this action? No

11. Provide any other information that will help explain why you cannot pay any excess fees/costs pertaining to this filing?

I currently have approximately \$20,000 in student loan debt, and approximately \$13,000 in court fines and costs that I am also unable to pay due to my indigence/incarceration.

12. State the city and state of your legal residence.

Marienville, PA

Your daytime phone number: (814)-621-2110 (institution #)

Your age: 41

Your years of schooling: GED/HVAC certified