

Record No. _____

In The
Supreme Court of the United States

MARLIN LARICE JOSEPH,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner, MARLIN LARICE JOSEPH, requests leave to file the attached Petition for a Writ of Certiorari to the Supreme Court of Florida without prepayment of costs and to proceed *in forma pauperis* pursuant to 28 U.S.C. 1915(e)(1). The Circuit Court of the 15th Judicial Circuit of Florida appointed counsel to represent Petitioner. The Order appointing counsel is attached to this motion.

June 15, 2022

Respectfully Submitted,

/s/ Fredrick R. Susaneck
Fredrick R. Susaneck, Esquire
Supreme Court Bar No. 188041
Florida Bar No. 332763
LEVINE & SUSANECK, P.A.
Attorneys for Petitioner Marlin Joseph
P. O. Box 1313
West Palm Beach, FL 33402
Phone: (561) 351-7592
email: Levine.Susaneck@gmail.com

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRUIT OF FLORIDA, IN AND FOR
PALM BEACH COUNTY. CRIMINAL DIVISION "Z"

CASE NO.: 2017CF012413AMB

STATE OF FLORIDA,

DEFENDANT IS INDIGENT

vs

MARLIN LARICE JOSEPH,

Defendant.

_____/

**ORDER FOR INSOLVENCY AND APPOINTING
COURT-APPOINTED COUNSEL FOR APPEAL TO
U.S. SUPREME COURT**

Upon a determination of indigent status and upon the Defendant's request for an appeal to the U.S. Supreme Court, the Court having previously found that there is a conflict and neither the Office of the Public Defender nor the Office of Regional Conflict Counsel can be appointed to represent the Defendant on this appeal, and Capital Collateral counsel being unable to represent the Defendant in a writ of certiorari to the U.S. Supreme Court, and time being of the essence and time restrictions, the Court finds that FREDRICK R. SUSANECK, ESQUIRE of Levine & Susaneck, P.A., as a result of a previous determination of conflict with the Office of the Public Defender and Regional Conflict Counsel and the Office of Capital Collateral Regional Counsel-South (CCRC-South) from undertaking this representation, finds from his previous representations in this matter to be the only attorney available at this time to undertake this representation to the United States Supreme Court because of his knowledge of the case and the time requirement to complete this writ, it is

ORDERED AND ADJUDGED that the Defendant, MARLIN LARICE JOSEPH, is declared insolvent and indigent for purposes of appeal in accordance with the provisions of

Florida Rule of Criminal Procedure 3.111, Florida Rule of Appellate Procedure 9.430, Florida Statute § 27.52 and Florida Statute § 27.7001 et seq. The Defendant is incarcerated. It is further

ORDERED AND ADJUDGED that FREDRICK R. SUSANECK of the law firm of LEVINE & SUSANECK, P.A., P.O. Box 1313, West Palm Beach, FL 33402, is appointed to represent the Defendant for purposes of a writ of certiorari and any subsequent allied proceedings to the U.S. Supreme Court. The Defendant was found guilty of First Degree Murder and has been sentenced, which sentence was affirmed on appeal, SC20-1741. Therefore, FREDRICK R. SUSANECK, ESQUIRE is hereby appointed to represent the Defendant, MARLIN LARICE JOSEPH, on the appeal in this case. The Justice Administrative Commission shall bear the attorney's fees and costs of this appeal.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida.


502017CF012413AXXXMB 05/16/2022
Cheryl A. Caracuzzo Circuit Judge

502017CF012413AXXXMB 05/16/2022
Cheryl A. Caracuzzo
Circuit Judge

cc: Fredrick R. Susaneck, Esquire
(levine.susaneck@gmail.com)

State Attorney's Office
(aellis@sa15.org)

Office of Attorney General
(CrimAppWPB@myfloridalegal.com)

Rhonda Giger, Assistant Attorney General
(rhonda.giger@myfloridalegal.com)

Honorable Cheryl Caracuzzo, Circuit Judge
(CAD-DivisionFJ@pbcgov.org)

Paul Kalil, Assistant CCRC-South

Office of Capital Collateral Regional Counsel-South (CCRC-South)
(kalip@ccsr.state.fl.us)

Justice Administrative Commission
(pleadings@justiceadmin.org)