

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JOE NELSON DAVIS, JR.,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

On Petition for a Writ of Certiorari
to the First District Court of Appeal
For the State of Florida

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner, Joe Nelson Davis, Jr., asks leave to file the enclosed Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* in accordance with Supreme Court Rule 39. As exemplified by the attached declaration, Mr. Davis is indigent and unable to pay the costs associated with his Petition.

WHEREFORE, Petitioner Joe Nelson Davis, Jr., prays for leave to proceed *in forma pauperis*.

Respectfully submitted,



Dane K. Chase, Esquire
Florida Bar Number: 0076448

JUN 01 2022

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

I, Joe Nelson Davis Jr, 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 | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Self-employment | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Income from real property (such as rental income) | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Interest and dividends | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Gifts | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Alimony | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Child Support | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Disability (such as social security, insurance payments) | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Unemployment payments | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Public-assistance (such as welfare) | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Other (specify): _____ | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |
| Total monthly income: | \$ <input checked="" type="radio"/> | \$ _____ | \$ <input checked="" type="radio"/> | \$ _____ |

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 |
|----------|---------|---------------------|-------------------|
| | | | \$ |
| | | | \$ |
| | | | \$ |

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 |
|----------|---------|---------------------|-------------------|
| | | | \$ |
| | | | \$ |
| | | | \$ |

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 |
|---|-----------------|------------------------|
| | \$ | \$ |
| | \$ | \$ |
| | \$ | \$ |

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

Home
 Value 0

Other real estate
 Value 0

Motor Vehicle #1
 Year, make & model 0
 Value 0

Motor Vehicle #2
 Year, make & model 0
 Value 0

Other assets
 Description 0
 Value 0

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 |
|---------------------------------------|--------------------|----------------------------|
| ✓ | \$ ✓ | \$ ✓ |
| ✓ | \$ ✓ | \$ ✓ |
| ✓ | \$ ✓ | \$ ✓ |

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 |
|------|--------------|-----|
| ✓ | ✓ | ✓ |
| ✓ | ✓ | ✓ |
| ✓ | ✓ | ✓ |

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) | \$ ✓ | \$ |
| Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ ✓ | \$ |
| Home maintenance (repairs and upkeep) | \$ ✓ | \$ |
| Food | \$ ✓ | \$ |
| Clothing | \$ ✓ | \$ |
| Laundry and dry-cleaning | \$ ✓ | \$ |
| Medical and dental expenses | \$ ✓ | \$ |

| | You | Your spouse |
|---|--------------------|--------------------|
| Transportation (not including motor vehicle payments) | \$ <u>0</u> | \$ _____ |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>0</u> | \$ _____ |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>0</u> | \$ _____ |
| Life | \$ <u>0</u> | \$ _____ |
| Health | \$ <u>0</u> | \$ _____ |
| Motor Vehicle | \$ <u>0</u> | \$ _____ |
| Other: _____ | \$ <u>0</u> | \$ _____ |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>0</u> | \$ _____ |
| Installment payments | | |
| Motor Vehicle | \$ <u>0</u> | \$ _____ |
| Credit card(s) | \$ <u>0</u> | \$ _____ |
| Department store(s) | \$ <u>0</u> | \$ _____ |
| Other: _____ | \$ <u>0</u> | \$ _____ |
| Alimony, maintenance, and support paid to others | \$ <u>0</u> | \$ _____ |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>0</u> | \$ _____ |
| Other (specify): _____ | \$ <u>0</u> | \$ _____ |
| Total monthly expenses: | \$ <u>0</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? _____

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

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

Executed on: 6-1, 2022

Joe Nelson Davis Jr

(Signature)