

No. 22-1226

IN THE SUPREME COURT OF THE UNITED STATES

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STATE OF IDAHO

Petitioner,

-v-

KIRBY ANTHONY DORFF,

Respondent

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ON PETITION FOR WRIT OF CERTIORARI  
TO THE IDAHO SUPREME COURT

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MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Respondent, Kirby Anthony Dorff, by and through undersigned counsel, asks leave to file the attached Brief in Opposition without prepayment of fees and costs, and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court.

Pursuant to Idaho Code § 19-870, the trial court appointed appellate counsel for Mr. Dorff, who is indigent. The order appointing appellate counsel for Mr. Dorff is attached as Exhibit A.

Mr. Dorff requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted on this 21st day of August, 2023.



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ERIC D. FREDERICKSEN

*Counsel of Record*

Erik R. Lehtinen

Sally J. Cooley

State Appellate Public Defender's Office

322 E. Front St., Ste. 570

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[Sally.Cooley@sapd.idaho.gov](mailto:Sally.Cooley@sapd.idaho.gov)

COUNSEL FOR RESPONDENT

**PROOF OF SERVICE**

I hereby certify that, on this 21st day of August, 2023, I caused a copy of the foregoing Motion for Leave to Proceed *In Forma Pauperis* to be served on the following by first-class mail, postage pre-paid, as well as electronically:

RAÚL R. LABORADOR  
Idaho Attorney General  
KENNETH K. JORGENSEN  
*Counsel of Record*  
JOHN C. MCKINNEY  
Idaho Deputy Attorneys General  
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COUNSEL FOR PETITIONER

Respectfully submitted,



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Sally.Cooley@sapd.idaho.gov

COUNSEL FOR RESPONDENT

## **Exhibit A**

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**RATLIFF LAW OFFICES, CHTD.**  
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Mountain Home, ID 83647  
Telephone: (208) 587-0900  
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Attorney for Defendant-Appellant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,	)	
	)	Case No. CR20-19-02341
Respondent,	)	
	)	<b>ORDER APPOINTING</b>
vs.	)	<b>STATE APPELLATE PUBLIC</b>
	)	<b>DEFENDER</b>
KIRBY ANTHONY DORFF,	)	
	)	
Appellant.	)	
_____	)	

The Court having reviewed the Defendant-Appellant’s Motion for Appointment of State Appellate Public Defender and Defendant-Appellant being indigent, and good cause appearing;

IT IS HEREBY ORDERED that the State’s Appellate Public Defender’s Office is hereby appointed as Counsel for the Defendant and Britney D. Ocampo, of Ratliff Law Offices, Chtd. is hereby withdrawn as counsel of record.

DATED:                     Signed: 6/20/2020 09:59 AM                    

  
\_\_\_\_\_  
JAMES CAWTHON  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I served a copy of the within and foregoing **ORDER** to:

Philip R. Miller  
Elmore County Deputy Prosecutor  
190 South 4<sup>th</sup> East  
Mountain Home ID 83647

- Hand Delivery
- Efile: [efile@elmorecounty.org](mailto:efile@elmorecounty.org)
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- Facsimile (208) 587-2147

Lawrence Wasden  
Idaho Attorney General  
**Attention: Criminal Division**  
P.O. Box 83720  
Boise ID 83720-0010

- Hand Delivery
- Efile: [ecf@ag.idaho.gov](mailto:ecf@ag.idaho.gov)
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Eric D. Fredericksen  
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cc: [mlara@sapd.state.id.us](mailto:mlara@sapd.state.id.us)
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DATED: Signed: 6/22/2020 12:30 PM \_\_\_\_\_



\_\_\_\_\_  
CLERK OF THE COURT