

22-5100

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

JUN 07 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

JOSHUA ERIC TOWNLEY — PETITIONER
(Your Name)

VS.

Bobby Lumpkin — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. Supreme Court, Townley v. Texas, 140 S.Ct. 452 (2019); Second Court of Appeals, Fort Worth, Texas; 43rd Judicial District Court, Parker County, Texas

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☒ a copy of the order of appointment is appended.

Joshua Eric Townley
(Signature)

July 1,
2022

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

I, Joshua Eric Toumky, 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	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

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
unemployed	N/A	N/A	\$ 0
			\$
			\$

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
N/A	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$ 0.03
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
INMATE TRUST FUND	\$ 0.03	\$ N/A
	\$	\$
	\$	\$

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

☐ Home
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
Description _____
Value _____

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
<u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
_____	_____	_____
_____	_____	_____

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)	\$ <u>0</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>0</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NONE</u>	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>N/A</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 AM INCARCERATED IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE - CORRECTIONAL INSTITUTIONS DIVISION, SINCE MARCH 16, 2017.

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

Executed on: July 1, 2022

Joshua E. Tounley
(Signature)

CAUSE NO. CR16-0114, CR16-0115

THE STATE OF TEXAS

VS.

JOSHUA ERIC TOWNLEY

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§

IN THE 43RD JUDICIAL

DISTRICT COURT OF

PARKER COUNTY, TEXAS

RECEIVED AND FILED
FOR RECORD
2016 DEC -2 PM 1:54
SHARON GILLILAND, DISTRICT CLERK
PARKER COUNTY, TEXAS
VT
DEPUTY

APPOINTMENT OF COUNSEL

Today the defendant's request for the appointment of counsel was received; the defendant completed a sworn questionnaire; ✓ was examined by the judge under oath concerning the defendant's financial resources.

✓ INDIGENCY WITH REIMBURSEMENT

The defendant is entitled to the appointment of counsel because defendant is indigent; ✓ it is in the interests of justice. Defendant presently has financial resources and/or an ability to pay all or part of the cost of legal services and related expenses to be provided. The defendant is appointed counsel in this matter; however defendant shall contribute to the cost of the legal services and related expenses.

 INDIGENCY WITHOUT REIMBURSEMENT

The defendant is entitled to counsel because the defendant is indigent; it is in the interests of justice. Defendant presently has no financial resources to pay or contribute to the cost of legal services and related expenses. The defendant is appointed counsel in this matter.

The attorney named below is appointed to counsel to represent the defendant until charges are dismissed, the defendant is acquitted or the attorney is relieved of his duties by the Court or replaced by other counsel.

Attorney Andrew Herreth Bar Card Number 24058741
Address 105 North Brazos Street Phone 817-502-1046
City Weatherford State Texas Zip 76086

 NO FINANCIAL NEED

The defendant has the financial resources to employ counsel and the appointment of counsel in the interests of justice is not necessary. The request is denied at this time.

Signed and entered December 2, 2016.

Sharon Gilliland
Court Coordinator

Sexual Assault of Child, Indecency with Child Sexual Contact, Sexual Assault of Child

Plea Negotiation 12/20/16 at 9:00 a.m.
Jury Trial 1/9/17 at 9:00 a.m.

CAUSE NO. CR16-0114, CR16-0115

THE STATE OF TEXAS

VS.

JOSHUA ERIC TOWNLEY

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IN THE 43RD JUDICIAL

DISTRICT COURT OF

PARKER COUNTY, TEXAS

RECEIVED AND FILED
FOR RECORD
2017 FEB 17 AM 9:40

APPOINTMENT OF COUNSEL

Today the defendant's request for the appointment of counsel was received; the defendant ☒ completed a sworn questionnaire; _____ was examined by the judge under oath concerning the defendant's financial resources.

 INDIGENCY WITH REIMBURSEMENT

The defendant is entitled to the appointment of counsel because _____ defendant is indigent; _____ it is in the interests of justice. Defendant presently has financial resources and/or an ability to pay all or part of the cost of legal services and related expenses to be provided. The defendant is appointed counsel in this matter; however defendant shall contribute to the cost of the legal services and related expenses.

☒ **INDIGENCY WITHOUT REIMBURSEMENT**

The defendant is entitled to counsel because ☒ the defendant is indigent; _____ it is in the interests of justice. Defendant presently has no financial resources to pay or contribute to the cost of legal services and related expenses. The defendant is appointed counsel in this matter.

The attorney named below is appointed to counsel to represent the defendant until charges are dismissed, the defendant is acquitted or the attorney is relieved of his duties by the Court or replaced by other counsel.

Attorney James R. Wilson Bar Card Number 21695400

Address 100 Austin Ave., Suite 105 Phone 817-596-2979

City Weatherford State Texas Zip 76086

 NO FINANCIAL NEED

The defendant has the financial resources to employ counsel and the appointment of counsel in the interests of justice is not necessary. The request is denied at this time.

Signed and entered February 16, 2017

Glenn DuBoise
Court Coordinator

APPEAL - Sexual Assault Child (2)