

NO. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2022

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KEVIN BRAZELTON,

*Petitioner,*

v.

State of Tennessee,

*Respondent.*

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**MOTION TO PROCEED *IN FORMA PAUPERIS***

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Tennessee Supreme Court Case No.: E2019-00992-SC-R3-CD

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GERALD L. GULLEY, JR., Esq.  
Attorney for Petitioner,  
Kevin Brazelton

P.O. Box 158  
Knoxville, Tennessee 37901-0158  
[gulleylaw@vol.com](mailto:gulleylaw@vol.com)  
(865) 934-0853

**MOTION TO PROCEED IN FORMA PAUPERIS**

COMES KEVIN BRAZELTON, by and through his court-appointed attorney, and, pursuant to the United States Supreme Court Rule 39, respectfully moves this Honorable Court for leave to proceed in forma pauperis. In support of this Motion, Kevin Brazelton, by and through counsel, would respectfully show that he was represented in all proceedings below in the Court of Criminal Appeals for Tennessee and in the Tennessee Supreme Court as counsel appointed to represent the said Petitioner who was and currently remains an indigent person. Pursuant to United States Supreme Court Rule 39.1, a copy of the Order of appointment to represent the said Petitioner and Movant is attached hereto as Exhibit "A"; therefore, no affidavit or declaration of indigency is required.

Respectfully submitted this 12th day of July, 2022.

s/Gerald L. Gulley, Jr. \_\_\_\_\_  
GERALD L. GULLEY, JR., Esq.  
(Tenn. BOPR 013814)  
Court-Appointed Attorney for Kevin Brazelton

P.O. Box 158  
Knoxville, Tennessee 37901  
[gulleylaw@vol.com](mailto:gulleylaw@vol.com)  
(865) 934-0753

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the above and foregoing document has been served upon all counsel of record by placing said document in the United States Mail, with sufficient prepaid first-class postage thereon to cause delivery, to the following:

EDWARD ALAN GROVES, JR., Esq.  
**OFFICE OF THE ATTORNEY GENERAL**  
CRIMINAL JUSTICE DIVISION  
425 Fifth Avenue North  
Nashville, Tennessee 37243-0493

KEVIN BRAZELTON (#540456)  
MORGAN COUNTY CORRECTIONAL COMPLEX  
P.O. Box 2000  
Wartburg, Tennessee 37887-2000

This 12th day of July, 2022.

By: s/Gerald L. Gulley, Jr.  
Attorney

**Exhibit “A”**

IN THE CRIMINAL COURT FOR KNOX COUNTY

FILED  
BY MIKE HAMMOND

MAY 30 2019

STATE OF TENNESSEE

VS

CASE NO.

107785

KNOX COUNTY CRIMINAL COURT  
KNOXVILLE, TN

KEVIN BRAZELTON, ALIAS  
DEFENDANT

ORDER OF APPOINTING LEGAL COUNSEL

It appearing, based upon the affidavit of indigency filed in this cause, and after due inquiry made, that the defendant is an indigent person and thereby qualifies for appointed legal counsel.

It is, therefore, ordered that (the District Public Defender) GERALD GULLEY, Attorney at Law) is hereby appointed as counsel for the defendant as provided by law.

In accordance with T.C.A. 40-14-103(b) the defendant is assessed a Court-Appointed Administrative Fee in the amount of \$50.00 which shall be paid into the Criminal Court Clerk's Office within two (2) weeks of this date. The Clerk shall receive a commission of five percent (5%) for collecting and disbursing said payments.

✓  
In accordance with T.C.A. 40-14-103(b) the Court finds that the defendant lacks financial resources sufficient to pay the Court-Appointed Counsel Administrative Fee.

The Court having previously assessed the Court-Appointed Counsel Administrative Fee in a pending case, said fee is hereby waived as to this appointment.

This 30 day of MAY, 20 19.

Boer McGee

JUDGE