

No. 22-5175

ORIGINAL

In The  
Supreme Court Of The United States

Supreme Court, U.S.  
FILED  
JUN 04 2022  
OFFICE OF THE CLERK

Alisha Wheeler, PETITIONER

VS

State Of West Virginia, RESPONDENTS

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

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

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

Hampshire County Circuit Court and West Virginia Supreme Court Of Appeals

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

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



(Signature)

RECEIVED  
JUL 15 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
JUN 10 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

I, Alisha Wheeler, 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, rental income) 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 |                   | Amount expected   |                   |
|---|-------------------------------|-------------------|-------------------|-------------------|
|   | The past 12 months            |                   | next month        |                   |
|   | YOU                           | SPOUSE            | YOU               | SPOUSE            |
| Employment  | <u>\$1900</u>                 | <u>\$0</u>        | <u>\$1900</u>     | <u>\$0</u>        |
| Self-Employment   | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Income from real property<br>(such as Interest and dividends)           | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Gifts   | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Alimony   | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Child Support   | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Retirement (such as social<br>Security, pensions, Annuities, insurance) | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Disability (such as social<br>Security, insurance payments)             | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Unemployment payments   | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Public-assistance<br>(such as welfare)                                  | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| Other (specify) <u>N/A</u>  | <u>\$0</u>                    | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        |
| <b>Total monthly income</b>   | <b><u>\$1900</u></b>          | <b><u>\$0</u></b> | <b><u>\$0</u></b> | <b><u>\$0</u></b> |

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

| <b>Employer</b>      | <b>Address</b>              | <b>Dates of Employment</b>     | <b>Gross Monthly Pay</b> |
|----------------------|-----------------------------|--------------------------------|--------------------------|
| <u>Family Dollar</u> | <u>500 Volvo Parkway</u>    | <u>January 2021 to current</u> | <u>\$1900</u>            |
|                      | <u>Chesapeake, VA 23320</u> |                                |                          |

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.)

| <b>Employer</b> | <b>Address</b> | <b>Dates of Employment</b> | <b>Gross Monthly Pay</b> |
|-----------------|----------------|----------------------------|--------------------------|
| <u>N/A</u>      | <u>N/A</u>     | <u>N/A</u>                 | <u>N/A</u>               |

4. How much cash do you or your spouse have? \$0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| <b>Financial institution</b> | <b>Type of account</b> | <b>Amount you have</b> | <b>Amount your spouse has</b> |
|------------------------------|------------------------|------------------------|-------------------------------|
| <u>FNB</u>                   | <u>checking</u>        | <u>\$113</u>           | <u>N/A</u>                    |

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

Home  other real estate

Value \_\_\_\_\_ Value \_\_\_\_\_

Motor Vehicle #1  Motor vehicle #2

Year, make & model 2003 Chevy Trailblazer Year, make & model

Value \$800 Value \_\_\_\_\_

Other assets

Description

Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| <b>Person owing you or your spouse money</b> | <b>Amount owed to you</b> | <b>Amount owed to your spouse</b> |
|--|---------------------------|-----------------------------------|
| <u>N/A</u>                                   | <u>N/A</u>                | <u>N/A</u>                        |

7. State the persons who rely on you and your spouse for support.

| <b>Name</b>           | <b>Relationship</b> | <b>Age</b>          |
|-----------------------|---------------------|---------------------|
| <u>Alisha Wheeler</u> | <u>Petitioner</u>   | <u>44 years old</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.

|   | <b>You</b>      | <b>Your spouse</b> |
|---|-----------------|--------------------|
| Rent or home-mortgage payment<br>(include lot rented for mobile home)                               | <u>\$500.00</u> | <u>N/A</u>         |
| Are real estate taxes included? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |                 |                    |
| Is property insurance included <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO  |                 |                    |
| Utilities (electricity, heating fuel,<br>water, sewer, and telephone)                               | <u>\$845.00</u> |                    |
| Home maintenance (repairs and upkeep)   | <u>\$100.00</u> |                    |
| Food  | <u>\$300.00</u> |                    |
| Clothing  | <u>\$25.00</u>  |                    |
| Laundry and dry cleaning  | <u>\$0.00</u>   |                    |
| Medical and dental expenses   | <u>\$0.00</u>   |                    |
| Transportation (not including motor vehicle payments)   | <u>\$420.00</u> |                    |
| Recreation, entertainment, newspapers, magazines, etc.  | <u>\$25.00</u>  |                    |
| Insurance (not deducted from wages or included in mortgage payments)                                |                 |                    |
| Motor Vehicle   | <u>\$58.00</u>  |                    |

Taxes (not deducted from wages or included in mortgage payments)

N/A

Installment payments

N/A

Alimony, maintenance, and support paid to others

N/A

Regular expenses for operation of business, profession, or farm (attach detailed statement)

N/A

Other (specify) N/A

| <b>Total monthly expenses:</b> | <b>you</b>       | <b>your spouse</b> |
|--------------------------------|------------------|--------------------|
|                                | <u>\$2273.00</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:

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

Executed on: June 4, 2022



(signature)