

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

IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

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KENNETH LAINELL DAVIS,  
Petitioner,  
vs.  
STATE OF FLORIDA,  
Respondent.

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

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The petitioner, **KENNETH DAVIS**, MOVES THIS Court for leave to proceed *in forma pauperis*, and in support of this request, shows as follows:

1. Pursuant to Rule 39.1, a party seeking to proceed *in forma pauperis* must file with this motion a notarized affidavit in support or, if the court below appointed counsel for an indigent party, a copy of the order of the lower court's order of appointment. Attached is a copy of the order of Florida's First District Court of Appeal declaring Petitioner insolvent and appointing the Public Defender's Office as counsel for his appeal.
2. Petitioner was adjudged insolvent for the purposes of appeal in the First District Court of Appeal for the State of Florida and was represented there by

appointed counsel. Petitioner was also adjudged insolvent for his trial in the Fourth Judicial Circuit Court of Florida and was represented there by appointed counsel.

WHEREFORE, Petitioner respectfully requests that he be permitted to proceed *in forma pauperis* in this matter.

**CERTIFICATE OF SERVICE**

I, Barbara Busharis, a member of the bar of this Court, hereby certify that on this day of August 23, 2022, a copy of this motion was served, via electronic transmission, by agreement of the parties, to Trisha Meggs Pate, Assistant Attorney General, counsel for Respondent, at crimapptlh@myfloridalegal.com, and that all parties required to be served have been served.

/s/ Barbara Busharis

BARBARA BUSHARIS  
Assistant Public Defender  
Florida Bar # 71780  
Leon County Courthouse  
301 S. Monroe St., Suite 401  
Tallahassee, Florida 32301  
850-606-8500  
Counsel of Record for Petitioner  
victor.holder@flpd2.com

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.

DIVISION: CR-G  
CASE NO.: 2018-CF-008302

**STATE OF FLORIDA**

**vs.**

**KENNETH LAINEL DAVIS**

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**ORDER APPOINTING PUBLIC DEFENDER FOR PURPOSES OF APPEAL  
AND GRANTING DEFENSE COUNSEL'S MOTION TO WITHDRAW**

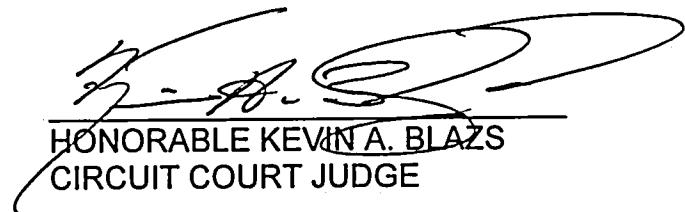
This cause came on to be heard upon application of the above named Defendant for an Order adjudging said Defendant insolvent for the purpose of appealing this cause and procuring the transcript of records and proceedings of trial in order to perfect an appeal in this cause, and requesting the Court to appoint counsel to represent said Defendant in the appeal; it is, upon consideration of,

**ORDERED AND ADJUDGED** that the above named Defendant be adjudged insolvent for the purpose of perfecting an appeal and the official Court Reporter of this Court is hereby instructed to prepare such papers necessary in order for said Defendant to perfect an appeal and all costs thereof are hereby taxed against the State of Florida and it is further,

**ORDERED AND ADJUDGED** that the Office of the Public Defender in and for the Fourth Judicial Circuit of Florida is hereby appointed to represent said Defendant in the appeal and it is further,

**ORDERED AND ADJUDGED** that Donald B. Mairs, Trial Counsel for the Defendant is hereby withdrawn as counsel of record and relieved of any further responsibilities other than for the limited purposes of representing the Defendant in the lower tribunal regarding any sentencing error the lower tribunal is authorized to address during the pending of the direct appeal pursuant to Florida Rule of Criminal Procedure 3.800(b)(2).

**DONE AND ORDERED** in at Jacksonville, Duval County, Florida this 14<sup>th</sup> day of October, 2020.



HONORABLE KEVIN A. BLAZS  
CIRCUIT COURT JUDGE

cc:

Donald B. Mairs, Esq.  
Attorney for Defendant

Erin Wolfson  
Assistant State Attorney  
Office of the State Attorney

Office of the Attorney General

Elizabeth Webb  
Office of Public Defender

Kenneth Lainell Davis  
Defendant