

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

IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

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JHON ALBERT CARRIZALES PRETELL,  
Petitioner,  
vs.  
STATE OF FLORIDA,  
Respondent.

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

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The petitioner, **JHON ALBERT CARRIZALES PRETELL**, 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 the Circuit Court of Florida's Fourteenth Judicial Circuit 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.

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 September 6, 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](mailto: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](mailto:victor.holder@flpd2.com)

**IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY**

**JHON ALBERT CARRIZALES PRETELL,**  
**Defendant/Appellant,**

**DCA Case No.: 1D21-1091**  
**LT Case No.: 19-1381 CFMA**

**v.**

**STATE OF FLORIDA,**  
**Plaintiff/Appellee.**

**ORDER OF INSOLVENCY FOR PURPOSES OF APPEAL**

THIS CAUSE came on to be heard upon application of the Defendant, JHON ALBERT CARRIZALES PRETELL, 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 thereupon

**ORDERED AND ADJUDGED:**

1. That the Defendant, JHON ALBERT CARRIZALES PRETELL, be adjudged insolvent for the purpose of perfecting an appeal herein.
2. That Rusty Shepard, Esq., Attorney of Record for the Defendant herein, pursuant to 9.140(d), Florida Rules of Appellate Procedure, shall not be relieved of his duties, or be permitted to withdraw, except for good cause shown upon written motion and hearing until the following have been filed with this Court:
  - (a) Notice of Appeal;
  - (b) Statement of Judicial Acts to be Reviewed;
  - (c) Directions to the Clerk;
  - (d) Designation of the portions of the Court Reporter's Transcript necessary to support the Statement of Judicial Acts to be Reviewed.
3. That Rusty Shepard, Esq., Attorney of Record for the Defendant herein, shall not be allowed to withdraw from this cause until written Motion to Withdraw stating that the above-mentioned documents have been filed in this Court, a completed docketing statement has been filed with the First District Court of Appeal, and written notice of his intent to withdraw having been given to Mark Sims, Public Defender, Fourteenth Judicial Circuit, Post Office Box 636, Marianna, Florida, 32447-0636.

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BAY COUNTY FLORIDA

4. That the State of Florida, shall bear any and all costs necessary and incident to the prosecution of this appeal for the Defendant, JHON ALBERT CARRIZALES PRETELL.

**DONE AND ORDERED** this 13<sup>th</sup> day of April, 2021 in Bay County, Florida.



DUSTIN STEPHENSON, Circuit Judge

Copies to:

R. Shepard, Esq.  
SAO

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2021 APR 13 P 1:47  
BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA