

No.

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2021

TIFFANY LEIGH MARION,

Petitioner,

-v-

STATE OF NORTH CAROLINA,

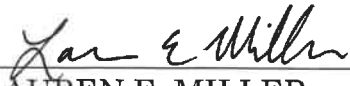
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Tiffany Leigh Marion, by and through undersigned counsel, asks leave to file the attached Petition for Writ of Certiorari to the Supreme Court of North Carolina without prepayment of fees and costs, and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court.

Pursuant to N.C. Gen. Stat. § 7A-451, the courts below appointed counsel for Ms. Marion, who is indigent. The Appellate Entries order indicating Ms. Marion's indigency and appointing counsel is attached as Exhibit A.

Respectfully submitted this 14th day of September, 2022.


LAUREN E. MILLER
lmiller@ncpls.org

N. C. Prisoner Legal Services, Inc.
1110 Wake Forest Road
Raleigh, North Carolina 27604
(919) 856-2200

Counsel for Petitioner

EXHIBIT A

STATE OF NORTH CAROLINA

Swain County

File No.

08CRS935-36, 938-40

Additional File No.(s)

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

Tiffany Leigh Marion

Date(s) Of Trial

12/4/17 - 12/7/17 - Evidentiary Hearing on MAR 2020 APR 17 A H: 48

Codefendant(s) If Tried Jointly

Name And Address Of Trial Prosecutor

T. Jason Arnold
5 West Main St.
Franklin, NC 28734

Telephone No.

828-349-7210

Email Address

T.Jason.Arnold@nccourts.org

Name And Address Of Trial Transcriptionist

Shari Rogers
PO Box 2208
Weaverville, NC 28787

Telephone No.

828-768-4494

Email Address

shari.j.rogers@nccourts.org

Name And Address Of Trial Transcriptionist

APPELLATE ENTRIES

Rules 7, 9, 11, and 27 of the N.C. Rules of Appellate Procedure

Name And Address Of Defendant's Trial Counsel

Lauren Miller
NC Prisoner Legal Services
PO Box 25397
Raleigh, NC 27611

Telephone No.

919-856-2200

Email Address

lmiller@ncpls.org

Name And Address Of Defendant's Trial Counsel

Mary Pollard
NC Prisoner Legal Services
PO Box 25397
Raleigh, NC 27611

Telephone No.

919-856-2200

Email Address

mpollard@ncpls.org

Name And Address Of Defendant's Appellate Counsel

☒ The Appellate Defender (919) 354-7210
123 W. Main Street, Suite 500, Durham, NC 27701

NOTE: All indigent appeals are assigned to the Appellate Defender.

☐ Retained Appellate Counsel

Telephone No.

Email Address

Telephone No.

Email Address

Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s)

Stephanie Wilhelm / Jennifer Blalock
600 COURT PLAZA / PO BOX 1092
ASHEVILLE NC 28801 / LEICESTER NC 28478
9/9/2016, 12/20/2018 Hearings in Buncombe County 12/2018

Date(s)

Willhelm 9/9/16, Blalock 12/20/18

Email Address

Stephanie.Willhelm@nccourts.org / Jennifer.R.S.Blalock@ncplowis

(Attach additional sheet(s) if necessary)

Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s)

Kim Mitchell
285 N main st. Waynesville nc
5/22-5/23/2017 Swain County - motions hearing

Date(s)

5/22-5/23/2017 Swain County - motions hearing

Email Address

Telephone No.

828-

JUDGE'S INITIAL APPEAL ENTRIES

- ☒ a. The defendant has given Notice of Appeal to the N.C. Court of Appeals, or
☐ b. This is a capital case appealable as of right to the N.C. Supreme Court.
- Release of the defendant pursuant to G.S. 15A-536 is ☒ denied. ☐ allowed upon execution of a secured bond in the amount of \$ _____ and compliance with the following additional conditions: _____
- Unless indigent, the defendant shall arrange for the transcription of the proceedings as provided in the Rules of Appellate Procedure.
- ☒ (NOTE: Check in all cases where defendant is indigent.) The defendant is indigent and has requested a transcript and the appointment of counsel. It is ORDERED that the defendant is allowed to appeal as an indigent and:
 - The Office of Indigent Defense Services shall pay the costs of producing a transcript, and of reproducing the record and the defendant's brief.
 - The Appellate Defender is appointed to perfect the defendant's appeal or assign other appellate counsel pursuant to rules issued by the Office of Indigent Defense Services.
 - Upon request, the Clerk shall furnish to the Appellate Defender, or to alternate counsel designated by the Appellate Defender, a copy of the complete trial division file in the case and, upon request, any documentary exhibits.
 - Unless the parties stipulate that parts of the proceedings shall not be transcribed, the Clerk shall order from the transcriptionist(s) a transcript of all parts of the proceedings except: _____

Original-File Copy-Transcriptionist(s) Copy-Defendant's Trial Counsel Copy-Defendant's Appellate Counsel (or Defendant if unrepresented) Copy-District Attorney
Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

AOC-CR-350, Rev. 3/16

© 2016 Administrative Office of the Courts

Per MP 5-15-20

Per M.P. 5-15-20

JUDGE'S INITIAL APPEAL ENTRIES (continued)

5. If a transcript has been ordered, the defendant in a non-capitally tried case shall serve a proposed record on appeal on the State within 35 days after the reporter's or transcriptionist's certification of delivery of the transcript. If a transcript has been ordered, the defendant in a capitally tried case shall serve a proposed record on appeal on the State within 70 days after the reporter's or transcriptionist's certification of delivery of the transcript. If no transcript has been ordered, the defendant shall serve a proposed record on appeal on the State within 35 days after filing notice of appeal.
6. The State shall serve its amendments, objections or proposed alternative record on appeal on the defendant within 30 days if this is a non-capital case or 35 days if this is a capital case, after service upon it of the defendant's proposed record on appeal.
7. The indigent defendant does not read or speak the English language, but reads and/or speaks his or her native language of _____. The Court therefore authorizes the services of a language translator or interpreter during the pendency of the appeal for the purposes of (1) written translation of attorney-client correspondence, assignments of error in the settled record on appeal, appellate briefs filed by the defendant and the State, and appellate opinion(s), and/or (2) verbal interpretation of attorney-client communication at each critical stage of the appellate proceedings.
The Court further Orders that a language translator or interpreter with the necessary knowledge, skill, experience, training and education to perform the above services shall be selected and paid by the Administrative Office of the Courts.
8. The Clerk shall deliver a copy of these Appellate Entries to the Appellate Defender, counsel for all parties, or the defendant, if not represented by counsel.

Date 4/15/2020 Name Of Presiding Judge (type or print) MARVIN P. POPE JR. Signature Of Presiding Judge [Signature]

CLERK'S TRANSCRIPT ORDER AND CERTIFICATE

(NOTE: To be completed ONLY when defendant is indigent.)

To The Transcriptionist(s) Named On The Reverse:

Prepare and deliver to the parties a transcript of all portions of the proceedings in the above-captioned case except:
(Specify any portions of the proceedings which need not be transcribed pursuant to a stipulation filed by the parties under Rule 7(a)(2), or pursuant to No. 4.d. on reverse side.)

I certify that I delivered a copy of this Transcript Order to the transcriptionist(s) on the date shown below:

- ☐ personally.
☒ by mailing it to the transcriptionist(s) at the address(es) shown on the reverse.

Date Clerk's Transcript Order Entered And Filed 5-15-20 Date Order Delivered To Transcriptionist(s), If Different 5-15-20
Name Of Clerk (type or print) Allyson W Barnes Signature Of Clerk [Signature]
☐ Deputy CSC ☒ Assistant CSC
☐ Clerk Of Superior Court

EXTENSION OF TIME TO PREPARE TRANSCRIPT OR SERVE RECORD

- ☐ 1. **Extension of time to file transcript:** Pursuant to Rule 7, N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, the Court finds that this is a criminal case that did not result in a sentence of death and it is ORDERED that the time for preparation of the transcript is extended for 30 days.
- ☐ 2. **Extension of time to serve proposed record on appeal:** Pursuant to Rules 11 and 27, N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, it is ORDERED that the time for service of the proposed record on appeal is extended for 30 days.

NOTE: The trial court may grant only one extension of time to serve the proposed record on appeal. Any additional motion for an extension of time to serve the proposed record on appeal must be made to the appellate court where the appeal is to be heard. In a case in which a sentence of death was not entered, the trial court may grant one motion for an extension of time to prepare the transcript. Any subsequent motions for an extension of time to prepare the transcript must be made to the appellate court where the appeal is to be heard. In capitally tried cases that resulted in the imposition of the death penalty, motions for an extension of time to prepare the transcript must be made directly to the Supreme Court. Rules 7 and 27, N.C. Rules of Appellate Procedure.

Date _____ Name Of Judge (type or print) _____ Signature Of Judge _____

CERTIFICATION

I certify this Appellate Entries form is a true and complete copy of the original on file in this case.

Date _____ Signature And Seal _____
☐ Deputy CSC ☐ Assistant CSC
☐ Clerk Of Superior Court