

CAPITAL CASE
No. _____
October Term, 2022

IN THE SUPREME COURT OF THE UNITED STATES

LARRY GAPEN,

Petitioner,

v.

STATE OF OHIO,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner Larry Gapen, pursuant to Sup. Ct. R. 39.1, respectfully moves for leave to file the accompanying petition for writ of certiorari in the Supreme Court of the United States without payment of costs and to proceed in forma pauperis.

Petitioner Gapen was previously found financially unable to obtain counsel. The United States District Court for the Southern District of Ohio appointed undersigned counsel under 18 U.S.C. § 3599, and Petitioner was indigent and proceeded in forma pauperis during the state court litigation below. Therefore, in reliance upon Rule 39.1 and 18 U.S.C. § 3599(e), Gapen has not attached the affidavit which would otherwise be required by 28 U.S.C. § 1746.

No execution date is presently scheduled.

Respectfully submitted this 20th day of September, 2022,

DEBORAH L. WILLIAMS

Federal Public Defender,

by:

/s/ Allen L. Bohnert 

ALLEN L. BOHNERT

(Supreme Court Bar No. 280600)

**Counsel of Record*

/s/ Adam M. Rusnak

ADAM M. RUSNAK

(Supreme Court Bar No. 316391)

Co-Counsel

Assistant Federal Public Defenders
Office of the Federal Public Defender
for the Southern District of Ohio
Capital Habeas Unit
10 W. Broad Street, Suite 1020
Columbus, Ohio 43215

(614) 469-4116

(614) 469-2999 (Fax)

allen_bohnert@fd.org

adam_rusnak@fd.org

Counsel for Petitioner Larry Gapen