

22-5758

No. _____

ORIGINAL

DEATH IN PRISON SENTENCE

IN THE

FILED
SEP 22 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

AUGUSTUS HEBREW EVANS JR. — PETITIONER
VS.

KATHLEEN M. JENNINGS, ATTORNEY,
GENERAL STATE OF DELAWARE. — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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

Please check the appropriate boxes:

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

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

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

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____, or

a copy of the order of appointment is appended.

SIX MONTH ACCOUNT STATEMENT ENCLOSED
WITH WRITTEN DECLARATION.

JL
(Signature)

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

I, AUGUSTUS H. EVANS JR., 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, 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 the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

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

Employer	Address	Dates of Employment	Gross monthly pay
N/A - PRISONER			\$
			\$
			\$

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.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A SAVINGS	\$ 0	\$ N/A
N/A CHECKING	\$ 0	\$ N/A

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

Home N/A
Value _____

Other real estate N/A
Value _____

Motor Vehicle #1
Year, make & model N/A
Value _____

Motor Vehicle #2
Year, make & model N/A
Value _____

Other assets
Description Me. My Self Worth is Priceless!
Value Priceless

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

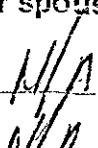
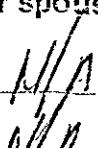
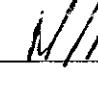
Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
	\$ <u>N/A</u>	\$ <u>N/A</u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>None</u>	<u>N/A</u>	<u>N/A</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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>6</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>0</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>6</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 	\$ 
Recreation, entertainment, newspapers, magazines, etc.	\$ 	\$ 
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 	\$ 
Life	\$ 	\$ 
Health	\$ 	\$ 
Motor Vehicle	\$ 	\$ 
Other: _____	\$ 	\$ 
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ 	\$ 
Installment payments		
Motor Vehicle	\$ 	\$ 
Credit card(s)	\$ 	\$ 
Department store(s)	\$ 	\$ 
Other: _____	\$ 	\$ 
Alimony, maintenance, and support paid to others	\$ 	\$ 
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 	\$ 
Other (specify): _____	\$ 	\$ 
Total monthly expenses:	\$ 	\$ 

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

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
			\$
			\$

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.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
CLOSED	\$ 0	\$ 0
	\$ 0	\$ 0
	\$ 0	\$ 0

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

Home 0
 Value _____

Other real estate 0
 Value _____

Motor Vehicle #1
 Year, make & model N/A
 Value _____

Motor Vehicle #2
 Year, make & model N/A
 Value _____

Other assets
 Description None
 Value _____

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? 0

If yes, state the attorney's name, address, and telephone number:

N/A

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? N/A

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I HAVE BEEN INCARCERATED 18 YEARS UNDER A KNOWING, WILLFUL AND INTENTIONAL WRONGFUL CONVICTION AND SENTENCE!

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

Executed on: SEPTEMBER 22, 2022


(Signature)

JAMES T VAUGHN CORRECTIONAL CENTER
SUPPORT SERVICES OFFICE
MEMORANDUM

TO: Augustus H. Evans J SBI #: 00191247
FROM: JTVCC Support Services/Business Office- Inmate Accounts
RE: 6 month / Average Daily Balance Statement
DATE: August 24, 2022

Attached are copies of your inmate account statements for the months of

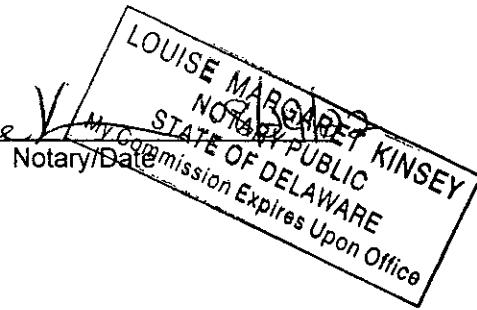
February 24, 2022 to August 24, 2022.

Average daily balance/ 6 months: \$18.47

Department of Correction Certified Statement

I hereby certify that the appellant named herein has the sum of \$0.00 on account to the appellant's credit at the institution where the appellant is confined. I further certify that the appellant has the following securities to the appellant's credit according to the institution's records:

Attachments
Go File



JAMES T. VAUGHN CORRECTIONAL CENTER
INMATE REQUEST FOR CERTIFIED TRUST FUND
ACCOUNT STATEMENT OF PRIOR SIX-MONTH PERIOD

TO: Mrs. Tonya Smith
Support Services Manager
James T. Vaughn Correctional Center
Smyrna, Delaware 19977

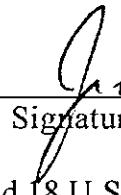
DATE: August 23, 2022

FROM: Augustus Herren Evans Jr.
Inmate Name (Please Print Name)

00191247
SBI#

--- I HEREBY CERTIFY --

Pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915(a) (2), Effective April 26, 1996, I am requesting a certified Statement of my Institution Trust Fund Account for the previous six-month period. Please forward same to me.


Signature

(28 U.S.C. § 1746 and 18 U.S.C. § 1621)

RECEIVED
AUG 24 2022
AM 9:51

Delaware Department of Correction

Run Date: 08/24/2022 03:00 PM

Inmate Account Statement

Location: JTVCC

Period From: 02/24/2022 To 08/24/2022

Account #: 00191247

Name: EVANS AUGUSTUS H J

Current Location / Housing: JTVCC / Bldg 22 Tier B

As of 02/24/2022 Opening Balance: \$0.00 As of 02/24/2022 Opening Available Balance*: \$0.00

Transaction#	Transaction Date	Transaction Description	Check# / Money Order#	Debit	Credit	Hold Amount	Available Balance	Memo, From/To
3125552	03/02/2022	Postage		\$0.00		\$1.36	\$0.00	2/23/22, JTVCC Commissary
3126440	03/03/2022	Mobile Credit Card(GTL)	6956		\$25.00	\$0.00	\$25.00	Lewis Dajah
3127384	03/04/2022	Other Hold Payment	183548	\$2.25		\$0.00	\$22.75	Postage, JTVCC Commissary
3127400	03/04/2022	Court Filing Payment	183995	\$0.39		\$0.00	\$22.36	1-11-CV-00195, US District Court
3129512	03/07/2022	Medical Co-Pay Charges	183984	\$4.00		\$0.00	\$18.36	Automatic iCHRT Medical Fees, State of Delaware
3133090	03/09/2022	Picture Project	183549	\$6.00		\$0.00	\$12.36	JTVCC Commissary
3133419	03/09/2022	Postage	183550	\$0.53		\$0.00	\$11.83	3/1/22, JTVCC Commissary
3136209	03/11/2022	Commissary	183707	\$11.47		\$0.00	\$0.36	JTVCC Commissary
3142068	03/16/2022	Postage	183711	\$0.36		\$9.49	\$0.00	03/14/2022, JTVCC Commissary
3142074	03/16/2022	Postage		\$0.00		\$9.25	\$0.00	03/14/2022, JTVCC Commissary
3143213	03/18/2022	Visit Cash(GTL)			\$40.00	\$0.00	\$40.00	MAGEE AUGUSTINA
3144375	03/19/2022	Other Hold Payment	183858	\$18.74		\$0.00	\$21.26	Postage, JTVCC Commissary
3150005	03/25/2022	Commissary		\$21.17		\$0.00	\$0.09	JTVCC Commissary
3155262	03/30/2022	Commissary			\$21.17	\$0.00	\$21.26	refund, JTVCC Commissary
3164004	04/08/2022	Visit Cash(GTL)			\$40.00	\$0.00	\$61.26	PAIGE LISA
3164587	04/08/2022	Commissary	184283	\$20.77		\$0.00	\$40.49	JTVCC Commissary
3164965	04/09/2022	Court Filing Payment	184595	\$13.00		\$0.00	\$27.49	1-11-CV-00195, US District Court
3171928	04/15/2022	Commissary	184421	\$7.20		\$0.00	\$20.29	JTVCC Commissary
3173320	04/18/2022	Web Payment Credit Card(GTL)	8827		\$25.00	\$0.00	\$45.29	Evans Natasha
3175572	04/19/2022	Postage	184426	\$8.70		\$0.00	\$36.59	4/18/22, JTVCC Commissary
3175574	04/19/2022	Postage	184426	\$3.56		\$0.00	\$33.03	4/18/22, JTVCC Commissary
3175575	04/19/2022	Postage	184426	\$8.70		\$0.00	\$24.33	4/18/22, JTVCC Commissary
3183732	04/27/2022	Postage	184586	\$1.16		\$0.00	\$23.17	4/24/22, JTVCC Commissary
3185114	05/01/2022	Court Filing Payment	185186	\$13.00		\$0.00	\$10.17	1-11-CV-00195, US District Court
3186468	05/02/2022	Commissary	184731	\$10.17		\$0.00	\$0.00	JTVCC Commissary
3189522	05/04/2022	Postage		\$0.00		\$0.53	\$0.00	4/28/22, JTVCC Commissary
3196270	05/10/2022	Mobile Credit Card(GTL)	0559		\$60.00	\$0.00	\$60.00	Haass Gina
3196312	05/10/2022	Visit Cash(GTL)			\$19.00	\$0.00	\$79.00	GUINN KENDALL
3196787	05/11/2022	Other Hold Payment	184891	\$0.53		\$0.00	\$78.47	Postage, JTVCC Commissary
3199546	05/13/2022	Commissary	185062	\$73.14		\$0.00	\$5.33	JTVCC Commissary

Delaware Department of Correction

Run Date: 08/24/2022 03:00 PM

Inmate Account Statement

Location: JTVCC

Period From: 02/24/2022 To 08/24/2022

Account # : 00191247

Transaction#	Transaction Date	Transaction Description	Check# / Money Order#	Debit	Credit	Hold Amount	Available Balance	Memo, From/To
3203934	05/18/2022	Postage	185065	\$1.56		\$0.00	\$3.77	5/16/22, JTVCC Commissary
3207550	05/23/2022	Commissary	185188	\$3.16		\$0.00	\$0.61	JTVCC Commissary
3214344	05/31/2022	Mobile Credit Card(GTL)	0559		\$30.00	\$0.00	\$30.61	Haass Gina
3217861	06/01/2022	Postage	185301	\$13.70		\$0.00	\$16.91	5/31/22, JTVCC Commissary
3219062	06/03/2022	Commissary		\$16.64		\$0.00	\$0.27	JTVCC Commissary
3223431	06/08/2022	Commissary			\$16.64	\$0.00	\$16.91	refund, JTVCC Commissary
3226719	06/10/2022	Commissary	185576	\$16.09		\$0.00	\$0.82	JTVCC Commissary
3247236	07/05/2022	Mobile Credit Card(GTL)	0989		\$80.00	\$0.00	\$80.82	Farrare Tyonna
3247813	07/05/2022	Web Payment Credit Card(GTL)	9222		\$77.77	\$0.00	\$158.59	Fashina Ola Tokunbo
3249201	07/06/2022	Visit Cash(GTL)			\$25.00	\$0.00	\$183.59	MAGEE AUGUSTINA
3249767	07/06/2022	Postage	186028	\$1.16		\$0.00	\$182.43	6/28/22, JTVCC Commissary
3249769	07/06/2022	Postage	186028	\$1.36		\$0.00	\$181.07	6/28/22, JTVCC Commissary
3252612	07/08/2022	Commissary	186025	\$84.23		\$0.00	\$96.84	JTVCC Commissary
3254450	07/11/2022	Pay-To	185839	\$24.00		\$0.00	\$72.84	US District Court
3257052	07/13/2022	Commissary	186025	\$12.46		\$0.00	\$60.38	Outstanding Bal from 5/2/22, JTVCC Commissary
3258214	07/13/2022	Postage	186028	\$8.20		\$0.00	\$52.18	7/5/22, JTVCC Commissary
3258285	07/13/2022	Postage	186028	\$12.65		\$0.00	\$39.53	7/8/22, JTVCC Commissary
3258362	07/13/2022	Postage	186028	\$9.25		\$0.00	\$30.28	7/11/22, JTVCC Commissary
3261735	07/18/2022	Commissary	186198	\$29.75		\$0.00	\$0.53	JTVCC Commissary
3269936	07/27/2022	Postage	186308	\$0.53		\$5.32	\$0.00	7/16/22, JTVCC Commissary
3275095	08/01/2022	Web Payment Credit Card(GTL)	9222		\$77.77	\$0.00	\$77.77	Fashina Ola Tokunbo
3275991	08/02/2022	Other Hold Payment	186418	\$5.32		\$0.00	\$72.45	Postage, JTVCC Commissary
3276039	08/02/2022	Court Filing Payment	186859	\$36.55		\$0.00	\$35.90	1-11-CV-00195, US District Court
3280734	08/05/2022	Commissary	186576	\$26.16		\$0.00	\$9.74	JTVCC Commissary
3281355	08/08/2022	Web Payment Credit Card(GTL)	9222		\$47.77	\$0.00	\$57.51	Fashina Ola Tokunbo
3281874	08/08/2022	Visit Cash(GTL)			\$20.00	\$0.00	\$77.51	DURHAM ESSIE
3284896	08/10/2022	Postage	186579	\$9.25		\$0.00	\$68.26	8/5/22, JTVCC Commissary
3289870	08/15/2022	Commissary	186731	\$66.80		\$0.00	\$1.46	JTVCC Commissary
3295914	08/19/2022	Commissary		\$1.14		\$0.00	\$0.32	JTVCC Commissary
3299373	08/24/2022	Commissary			\$1.14	\$0.00	\$1.46	JTVCC Commissary
3299883	08/24/2022	Postage		\$1.46		\$7.79	\$0.00	8/16/22, JTVCC Commissary

Run Date: 08/24/2022 03:00 PM

Delaware Department of Correction
Inmate Account Statement

Location: JTVCC
Period From: 08/24/2022 To 08/24/2022

Account # : 00191247

Transaction#	Transaction Date	Transaction Description	Check# / Money Order#	Debit	Credit	Hold Amount	Available Balance	Memo, From/To
				Total: <u>\$606.26</u>	<u>\$606.26</u>			

As of 08/24/2022 Current Balance: \$0.00 Available Balance*: \$0.00

Total Amount on Hold As of 08/24/2022:	Facility JTVCC	Medical Copay \$0.00	Legal \$0.00	Restitution \$0.00	Indigent \$0.00	Room and Board \$0.00	Others \$7.79	Court Fees \$57.06
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