

CAPITAL CASE

**IN THE SUPREME COURT OF THE
UNITED STATES OF AMERICA**

IN RE BENJAMIN COLE,

Case No. _____

****EXECUTION SCHEDULED FOR OCTOBER 20, 2022 10:00 AM CT ****

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

VICKI RUTH ADAMS WERNEKE, OBA #13441*
Assistant Federal Public Defender
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Western District of Oklahoma
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COUNSEL FOR BENJAMIN COLE

*Counsel of Record

October 19, 2022

Mr. Cole respectfully requests leave to file the attached Petition For Original Writ Of Habeas Corpus And Request For Stay Of Execution By A Person In State Custody Under Title 28 United States Code Section 2241 without payment of costs and to proceed *in forma pauperis* pursuant Rule 39 of the Rules of the Supreme Court of the United States and pursuant 18 U.S.C. § 3006A(d)(7). In support thereof, Petitioner Cole states as follows:

Mr. Cole is in the custody of the State of Oklahoma, Oklahoma Department of Corrections, incarcerated under a conviction of first-degree murder for which he has been sentenced to death.

Mr. Cole is indigent and has been represented by appointed counsel throughout these proceedings. On June 3, 2008, the United States District Court for the Northern District of Oklahoma, Case No. 08-CV-0328-CVE-PJC, appointed the Federal Public Defender's Office to represent Mr. Cole pursuant 18 U.S.C. § 3006A. This motion precedes and is attached to the Petition for Extraordinary Writ.

Respectfully Submitted: October 19, 2022

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