

No. \_\_\_\_ (CAPITAL CASE)

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IN THE SUPREME COURT OF THE UNITED STATES

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JOHN L. LOTTER,

Petitioner,

v.

STATE OF NEBRASKA,

Respondent.

---

On Petition For A Writ Of Certiorari  
To The Nebraska Supreme Court

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

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Petitioner, John L. Lotter, through undersigned counsel, respectfully seeks leave to file the enclosed Petition for a Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*.

Since 1996, Petitioner has been incarcerated on death row in the State of Nebraska. Petitioner previously was granted leave to proceed *in forma pauperis* in the Nebraska Supreme Court; the District Court of Richardson County, Nebraska; the United States Court of Appeals for the Eighth Circuit; and the United States District Court for the District of Nebraska. A copy of the order of the District Court of Richardson County, Nebraska, that permitted Petitioner to proceed *in forma*

*pauperis* on appeal in the proceedings below is attached as Attachment A. Petitioner's declaration in support of this motion is attached hereto as Attachment B.

Respectfully submitted on this 28th day of November, 2022.

A handwritten signature in black ink, appearing to read "Shawn Nolan", is written over a horizontal line.

Shawn Nolan\*  
Federal Community Defender Office  
for the Eastern District of Pennsylvania  
Suite 545 West—The Curtis  
601 Walnut Street  
Philadelphia, PA 19106  
(215) 928-0520  
Shawn\_Nolan@fd.org

*\*Counsel of Record  
Member of the Bar of the Supreme Court  
Counsel for Petitioner, John L. Lotter*

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JOHN L. LOTTER,

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v.

STATE OF NEBRASKA,

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To The Nebraska Supreme Court

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ATTACHMENT A IN SUPPORT OF  
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Shawn Nolan\*  
Federal Community Defender Office  
for the Eastern District of Pennsylvania  
Suite 545 West—The Curtis  
601 Walnut Street  
Philadelphia, PA 19106  
(215) 928-0520  
Shawn\_Nolan@fd.org

*\*Counsel of Record  
Member of the Bar of the Supreme Court  
Counsel for Petitioner, John L. Lotter*

November 28, 2022

IN THE DISTRICT COURT OF RICHARDSON COUNTY, NEBRASKA

STATE OF NEBRASKA,

Plaintiff,

vs.

JOHN LOTTER,

Defendant.

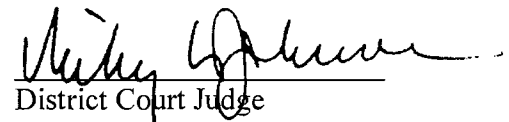
Case No. 99-900000 & 3

**ORDER**

Now this 12 day of May, 2020, this matter came before the Court on defendant's request for leave to appeal in forma pauperis. The Court, being fully advised in the premises, finds that said motion be sustained.

IT IS THEREFORE ORDERED that defendant is allowed leave to appeal in forma pauperis without the prepayment of fees or costs connected with said appeal from the District Court of Richardson County, Nebraska to the Nebraska Court of Appeals.

BY THE COURT:

  
District Court Judge

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on May 12, 2020 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Rebecca E Woodman  
rewlaw@outlook.com

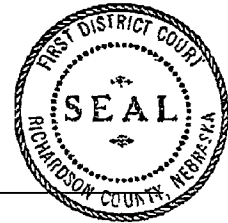
Timothy S Noerrlinger  
tim@naylorandrapplaw.com

James D Smith  
pat.selk@nebraska.gov

Date: May 12, 2020

BY THE COURT:

*Patricia Scott*  
CLERK



No. \_\_\_\_ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

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JOHN L. LOTTER,

Petitioner,

v.

STATE OF NEBRASKA,

Respondent.

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On Petition For A Writ Of Certiorari  
To The Nebraska Supreme Court

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ATTACHMENT B IN SUPPORT OF  
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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Shawn Nolan\*  
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(215) 928-0520  
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*\*Counsel of Record  
Member of the Bar of the Supreme Court  
Counsel for Petitioner, John L. Lotter*

November 28, 2022

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

\_\_\_\_\_  
(Your Name) — PETITIONER

VS.

\_\_\_\_\_ — 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):

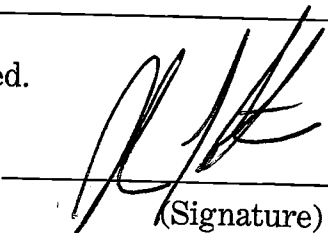
\_\_\_\_\_  
\_\_\_\_\_  
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ 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.

  
\_\_\_\_\_  
(Signature)

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

I, John Lotter, 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>49.10</u>	\$ <u>0</u>	\$ <u>51.75</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>2.54</u>	\$ <u>0</u>	\$ <u>2.54</u>	\$ <u>0</u>
Gifts	\$ <u>25.00</u>	\$ <u>0</u>	\$ <u>25.00</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly income:</b>	\$ <u>76.64</u>	\$ <u>0</u>	\$ <u>79.29</u>	\$ <u>0</u>



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
TSCI	PO Box 900	Feb 21st 1996	\$ 45.00 to 55.00
	Tecumseh, NE	to	\$
	68450	Present	\$

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? \$ 1769.48  
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
Savings	\$ 1526.07	\$ 0
Canteen account	\$ 243.41	\$ 0
	\$	\$

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

☐ Home  
Value N/A

☐ Other real estate  
Value N/A

☐ Motor Vehicle #1  
Year, make & model \_\_\_\_\_  
Value N/A

☐ Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value N/A

☐ Other assets  
Description \_\_\_\_\_  
Value N/A

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
N/A	\$ N/A	\$ N/A
	\$	\$
	\$	\$

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
N/A		

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)	\$ N/A	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 20.00	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 125.00	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly expenses:</b>	\$ <u>145.00</u>	\$ <u>0</u>

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? \_\_\_\_\_

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

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

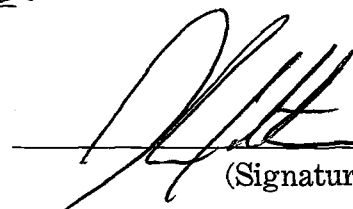
If yes, how much? \_\_\_\_\_

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

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

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

Executed on: November 21, 2022

  
(Signature)