

No. ____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

JOHN L. LOTTER,

Petitioner,

v.

STATE OF NEBRASKA,

Respondent.

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

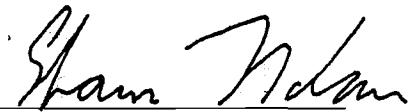
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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.



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

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IN THE SUPREME COURT OF THE UNITED STATES

JOHN L. LOTTER,

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

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Counsel for Petitioner, John L. Lotter*

November 28, 2022

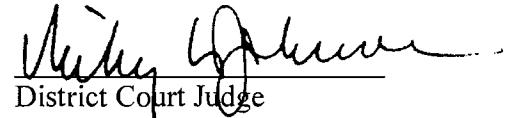
IN THE DISTRICT COURT OF RICHARDSON COUNTY, NEBRASKA

STATE OF NEBRASKA,) Case No. 99-900000 2 3
)
 Plaintiff,)
)
 vs.) ORDER
)
 JOHN LOTTER,)
)
 Defendant.)

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@naylorandrappllaw.com

James D Smith
pat.selk@nebraska.gov

Date: May 12, 2020

BY THE COURT:

Danica Scott
CLERK



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Petitioner,

v.

STATE OF NEBRASKA,

Respondent.

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

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

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Counsel for Petitioner, John L. Lotter*

November 28, 2022

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

— PETITIONER
(Your Name)

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):

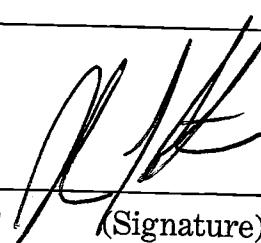
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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> |
| Total monthly income: | \$ <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 Tecumseh, NE (68450) | Feb 21st 1996 to present | \$ 45.00 to 55.00 \$ \$ |

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? \$ 1764.48

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 Canteen account | \$ 1526.07 \$ 243.41 | \$ 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
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 |
|---------------------------------------|--------------------|----------------------------|
| <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>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>N/A</u> | \$ <u>N/A</u> |
| 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) | \$ <u>20.00</u> | \$ <u>0</u> |
| Home maintenance (repairs and upkeep) | \$ <u>0</u> | \$ <u>0</u> |
| Food | \$ <u>125.00</u> | \$ <u>0</u> |
| Clothing | \$ <u>0</u> | \$ <u>0</u> |
| Laundry and dry-cleaning | \$ <u>0</u> | \$ <u>0</u> |
| Medical and dental expenses | \$ <u>0</u> | \$ <u>0</u> |

| | 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> |
| Total monthly expenses: | \$ <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

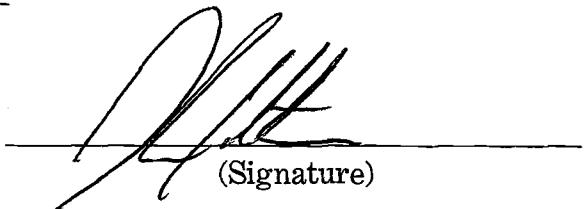
If yes, how much? _____

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)