

IN THE
Supreme Court of the United States

ROLAND CUMMINGS,

Petitioner,

v.

THE STATE OF MAINE,

Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

NOW COMES the Petitioner, Roland Cummings, by and through his undersigned counsel, and hereby MOVES this Honorable Court to grant him leave to file the attached petition *for a writ of certiorari* without prepayment of costs and to proceed *in forma pauperis*, stating further:

1. Petitioner's affidavit is **not attached** because Petitioner has previously been granted leave to proceed *in forma pauperis* in the Maine Superior Court for the purpose of trial and post-conviction review;
2. The appointment of Attorney Smith for Mr. Cumming's post-conviction review occurred on January 18, 2018; a copy of that Order is attached hereto.

WHEREFORE, the Petitioner respectfully requests this Court grant him leave to proceed *In Forma Pauperis*.

DATED: January 24, 2023

/s/ Stephen C. Smith

Stephen C. Smith, Me. Bar No. 8720

Counsel of Record

STEVE SMITH TRIAL LAWYERS

136 State Street, 2nd Floor

Augusta, ME 04330

207-622-3711

Info@MaineTrialLaw.com

STATE OF MAINE

Location KENNEBEC CRIMINAL DOCKET
Docket No. KENCD-CR-2018-00011

STATE OF MAINE
v.

NOTICE OF APPOINTMENT

ROLAND L CUMMINGS
5 GRAY STREET
WATERVILLE ME 04901

The purpose of this notice is to inform you, ROLAND L CUMMINGS that your court-appointed attorney is:

STEPHEN C SMITH Appt Date:01/19/2018
PO BOX 1051
AUGUSTA ME 04332-1051
TEL: (207) 622-3711

YOU MUST CONTACT YOUR ATTORNEY IMMEDIATELY to make an appointment to discuss your case. If you fail to do so you may miss important deadlines and make it more difficult for your attorney to assist you.

You must contact this Court if there are any changes in your address or financial status. Failure to do so could result in a violation of a court Order and criminal prosecution.

If you should have any questions, please contact the court at:

KENNEBEC COUNTY SUPERIOR COURT
1 COURT STREET

SUITE 101, AUGUSTA, ME 04330-

TEL: (207) 213-2800
TTY: (711) -



Date: 01/19/2018

Clerk

STATE OF MAINE

 UNIFIED CRIMINAL DOCKET SUPERIOR COURT DISTRICT COURT

STATE OF MAINE /

vs

Roland Cummings

Defendant/Juvenile

County: KennebecLocation: Augusta

Docket No.

CR-14-600PRELIMINARY
ASSIGNMENT OF COUNSEL,
AFFIDAVIT AND RELEASEMOTION & AFFIDAVIT

The undersigned requests the Court to assign an attorney at public expense, based on the following accurate information.

Name of person whose financial information appears on this affidavit: Roland CummingsMailing Address 807 CUSHING RD main state prison warren maine 04864-4600Date of Birth 08-01-1969 Home Phone N/A Cell Phone N/A Work Phone N/AIncome:Salary and wages (gross pay) \$ 33.00 OR hourly wage \$ MONTHAND numbers of hours worked _____ per week biweekly month other _____Source of income/employer is: Employer (name & address) MAINE STATE PRISON 807 CUSHING RD WARREN ME 04864 OR Unemployment Social Security TANF Alimony/child support Other _____

If unemployed, last date employed _____ and last place of employment _____

Assets: Cash bail I posted (1st party) in this or any other case \$ 0 Cash on hand \$ 0 Cash in the Bank \$ 0 Money owed to me \$ 0Property worth more than \$250 (include property owned alone or with any other person): House \$ 0 (amt. owed on house \$ 0) Vehicle \$ 0 Stocks \$ 0 Recreational Vehicles \$ 0 (boat, ATV, snowmobile) Other \$ 0Expenses (Monthly): Mortgage \$ 0 Child Support \$ 0 Utilities \$ 0 Food \$ 0 Cable \$ 0 Credit Card \$ 0 Loans \$ 0 Heat \$ 0 Rent \$ 0 Cell Phone \$ 0 Other \$ 0 Other \$ 0

Check the following that apply

 I have 0 (number) children who live with me for whom I pay support of \$ 0 per 0I live alone with another who is my spouse friend parent(s) other: 0 That person shares my living expenses and contributes \$ 0 per week bi-weekly month other

I acknowledge that disclosure of my Social Security account number is mandatory under 36 M.R.S. §5276-A. My Social Security account number may be used to facilitate the collection of money that I may owe the State of Maine as a result of having had an attorney assigned to represent me if it is later determined that I am to be responsible for all or part of the attorney fees and costs.

SS Number Disclosure Required on separate form

The undersigned furnishes the above information to support the request for assignment of counsel. I have read the above form, I understand it, and the answers to the questions are true. I understand that any false answers on this form may subject me to criminal prosecution. I understand and agree that further investigation may be conducted, if necessary, to verify the information I have provided. I also understand that I have a continuing obligation, personally and through counsel, to report to the court and/or to the Maine Commission on Indigent Legal Services any changes in my employment or other financial circumstances.

Date: 12-19-2017

Subscribed and sworn to before me,

Signature of Applicant

Notary, Clerk, Attorney, Judge/Justice

Lori Desureault

Commission # 61931 expires 4/21/2022

ORDER Motion Denied Applicant is not indigent There is no risk of jail Motion Granted Attorney assigned to represent Defendant/Juvenile Motion Granted: Applicant is partially indigent; and Applicant shall pay toward attorney's fees as follows:\$ 1 per week month biweekly other: 1 up to a total of \$ 1, starting Maine Commission on Indigent Legal Services to determine rate of reimbursement.

ANY FIRST-PARTY BAIL MAY BE APPLIED TO OFFSET COUNSEL FEES AS SET OUT IN CR-006

Attorney Stephen Smith is assigned to represent Defendant/Juvenile.

This ORDER may be reviewed and revised at any time based on new or different information.

REFER TO SCREENER: YES NODate: 1/18/18

CR-032, Rev. 07/15