

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/JuvenileCounty: Kennebec
Location: Augusta
Docket No. CR-14-600PRELIMINARY
ASSIGNMENT OF COUNSEL,
AFFIDAVIT AND RELEASE

MOTION & 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 Cummings
Mailing Address 807 Cushing Rd main state prison warren maine 04864-4600
Date of Birth 08-02-1969 Home Phone N/A Cell Phone N/A Work Phone N/A

Income:

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 \$ 0

Expenses (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 \$ _____

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,

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:\$ _____ per ☐ week ☐ month ☐ biweekly ☐ other: _____ up to a total of \$ _____, 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 _____ NO _____

Date: 1/18/18

CR-032, Rev. 07/15

Signature of Applicant

Notary, Clerk, Attorney, Judge/Justice

Lori Desjardins
Commission # 61934 expires 4-21-2022

Judge/Justice