

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

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

---

ARIEL BENNETT,

Petitioner,

v.

STATE OF WEST VIRGINIA,

Respondent.

---

On Petition for a Writ of Certiorari to the  
Supreme Court of Appeals of West Virginia

---

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

---

Ariel Bennett, through counsel, respectfully requests leave to file her petition for a writ of certiorari to the Supreme Court of Appeals of West Virginia without prepayment of costs or fees and to proceed *in forma pauperis* pursuant to Rule 39.

Petitioner is indigent and currently incarcerated at Lakin Correctional Center, 11264 Ohio River Road, West Columbia, WV 25287, serving a five to twenty-five year prison sentence. Petitioner has been incarcerated since 2020. Petitioner was represented by appointed counsel both at trial in the Circuit Court of Raleigh County, West Virginia and on appeal in the Supreme Court of Appeals of West Virginia. Petitioner, therefore, proceeded *in forma pauperis* in those courts.

Petitioner's declaration in support of this motion is attached hereto.

Respectfully submitted,

---

Matthew David Brummond  
*Counsel of Record*  
West Virginia Public Defender Services  
Appellate Advocacy Division  
Suite 301, One Players Club Drive  
Charleston, WV 25311  
Matt.D.Brummond@wv.gov  
(304) 558-3905

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

I, Griel Bennett, 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>100</u>	\$ <u>8,490.90</u>	\$ <u>100</u>	\$ <u>8,490.90</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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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>N/A</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly income:</b>	\$ <u>100</u>	\$ <u>8,490.90</u>	\$ <u>100</u>	\$ <u>8,490.90</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
Paige's 4 prisons (LCC)	11264 ohio ave rd west columbia, WV 25287	5-2021 to present	\$ 160 \$ \$

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
Rockwell mining LLC	256 W main street suite 2000 Lexington, KY 40507	Now	\$ \$ \$

4. How much cash do you and your spouse have? \$ \_\_\_\_\_  
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
Chase Bank	\$	\$ 15,000
	\$	\$
	\$	\$

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 2002 Dodge car<sup>500</sup>  
Value 4,000

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

☐ Other assets  
Description N/A  
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

N/A

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? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)

\$ N/A

\$ 1,000

Home maintenance (repairs and upkeep)

\$ N/A

\$ N/A

Food

\$ 400

\$ ~~800~~ 800

Clothing

\$ N/A

\$ ~~1000~~ 1000

Laundry and dry-cleaning

\$ N/A

\$ 50

Medical and dental expenses

\$ N/A

\$ 80

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 400
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 20
Health	\$ 0	\$ 20
Motor Vehicle	\$ 0	\$ 100
Other: _____	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: _____	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): 401K _____	\$ 0	\$ 100
<b>Total monthly expenses:</b>	\$ 400	\$ 2570

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:

N/A

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

N/A imprisoned

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

Executed on: 2-05, 20 23

Ariel Bernoff  
(Signature)