

IN THE
SUPREME COURT OF THE UNITED STATES

EX PARTE JAMES FLOYD

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, James Floyd, pursuant to Supt. Ct. R. 39.1, asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals without prepayment of costs and to proceed *in forma pauperis*. Counsel has represented Petitioner as his appointed counsel in the trial court and on direct appeal pursuant to Article 1.051 of the Texas Code of Criminal Procedure.

Respectfully Submitted,

WILLIAM R. BIGGS
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Cause Number 1494376 D

The State of Texas

Vs.

JAMES EARNEST FLOYD, JR.

396TH District Court

of

Tarrant County, Texas

Finding on Appointment of Attorney

The court deviates from the public appointment system of rotation and appoints WILLIAM BIGGS. The Court finds that good cause exists for appointing the attorney out of the order of rotation:

- a language barrier exists between the defendant and the former attorney
- the offense charged has increased from the original charge and the former Attorney does not meet the qualifications for the increased charge.
- the defendant has filed notice of appeal and requests counsel other than his trial attorney
- a legal conflict exists between the defendant and his former attorney
- special knowledge of the law of post conviction DNA testing is required.
- Exigent circumstances require the immediate appointment of an attorney who is present in court.
- the complexity of the case against the defendant requires counsel with more experience than currently possessed by former attorney.
Defendant approves substitution of counsel.

Other: Counsel appointed to prepare appellate issues raised at pretrial.

SO ORDERED on this 21 day of August, 2020.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

AUG 21 2020

TIME 3:05PM
BY cc DEPUTY

George Gallagher
Judge Presiding, 396th District Court