

NO. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

DAVION SMITH, Petitioner

VS.

CALIFORNIA, RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI  
TO THE CALIFORNIA COURT OF APPEAL  
SIXTH APPELLATE DISTRICT

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

CANDACE HALE  
Law Offices of Candace Hale  
California State Bar No. 104490  
P.O. Box 775  
San Anselmo CA 94979  
(415) 460-5428

Counsel of Record for Petitioner  
DAVION SMITH

TO: THE HONORABLE CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT:

Pursuant to Rule 39 of the Rules of the Supreme Court of the United States, petitioner Davion Smith respectfully requests leave to file a petition for writ of certiorari in forma pauperis. As the attached declaration of counsel attests, petitioner has been represented by appointed counsel in both the California Court of Appeal and the California Supreme Court. A copy of the appointment order is attached per Rule 29.1

Dated: March 10, 2023

Respectfully submitted,

/s \_\_\_\_\_  
CANDACE HALE  
Attorney for Petitioner  
Davion Smith

## **DECLARATION OF CANDACE HALE**

I am an attorney licensed to practice in California and a member of the bar of this Court. I am the attorney of record for petitioner Davion Smith.

The facts stated in this declaration are within my personal and firsthand knowledge. If called as a witness in this action, I could and would testify competently under oath to the following facts.

On September 9, 2020, petitioner filed a notice of appeal. Subsequently, I was appointed by the California Court of Appeal to represent petitioner. A copy of the appointment order is attached to this declaration. Pursuant to that appointment, I filed pleadings in the California Court of Appeal and the California Supreme Court. I have remained petitioner's counsel of record to this time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of March 2023, at San Anselmo, California.

/s/ \_\_\_\_\_  
CANDACE HALE

**SIXTH DISTRICT APPELLATE PROGRAM**

95 S. Market Street, Suite 570

San Jose, CA 95113

(408) 241-6171

 COPY

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT**

The People v. ) H048422  
 )  
 ) MONTEREY  
 ) Superior Court No. SS161898  
Davion Smith \_\_\_\_\_ )

**COUNSEL APPOINTMENT ORDER**

Notice is hereby given that the SIXTH DISTRICT APPELLATE PROGRAM recommends the  
hereinafter named attorney for purposes of representing the above-named client.

Candace Hale October 07, 2020

Respectfully submitted:

*Patrick J. McKenna*

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PATRICK J. MCKENNA  
Executive Director

**Attorney's Address:**

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P.O. Box 775  
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(415) 460-5428  
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**Client's Address:**

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P.O. Box 4000  
Vacaville, CA 95696-4000  
I:WMR