

No. 22- _____

IN THE SUPREME COURT OF THE UNITED STATES

LIONEL JERICHO MCCOY, *Petitioner*,

v.

STATE OF CALIFORNIA, *Respondent*.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE CALIFORNIA COURT OF APPEAL,
FIRST APPELLATE DISTRICT, DIVISION FOUR**

PETITION FOR A WRIT OF CERTIORARI

**PETITIONER'S MOTION TO PROCEED ON WRIT OF CERTIORARI
IN FORMA PAUPERIS**

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**MOTION TO PROCEED ON WRIT OF CERTIORARI
IN FORMA PAUPERIS**

Pursuant to Rule 39 of this Court, petitioner Lionel Jericho McCoy requests leave to file the accompanying Petition for Writ of Certiorari without prepayment of fees or costs, and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the California Court of Appeal pursuant to California Penal Code section 1240.

A copy of the state appellate court's docket showing a May 31, 2019 order appointing undersigned counsel to represent Mr. McCoy in his state appeal is attached as Appendix A.

Dated: March 3, 2023

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Attorney for Petitioner
Lionel Jericho McCoy

APPENDIX A

Appellate Courts Case Information

1st Appellate District

Change court ▾

Docket (Register of Actions)

The People v. McCoy

Division 4

Case Number A157103

Date	Description	Notes
05/03/2019	Notice of appeal lodged/received (criminal).	
05/31/2019	Counsel appointment order filed.	Attorney Cliff Gardner for appellant McCoy (Independent/40)
07/01/2019	Court reporter extension requested.	CSR V. Cathey to 12/2/19
07/16/2019	Court reporter extension granted.	CSR V. Cathey to 9/19/19
10/20/2020	Record preparation inquiry sent.	Record Preparation Inquiry sent on this date
05/24/2021	Record on appeal filed.	CT-3
05/24/2021	electronic reporter 's transcript filed	Sealed Reporter's Transcript RT v1 p15-24
05/24/2021	electronic reporter 's transcript filed	RT-27
05/24/2021	Probation report filed.	Indices pages 440-448; Jury Instructions - Working Copy pages 449-469; Questions from the Jury - redacted pages, 536-557; Signed Verdict Forms - redacted pages, 558-564 and Probation Officer's Report pages 647-658.
05/24/2021	Letter sent to counsel re:	Record filed today. AOB due in 40 days.
07/06/2021	Requested - extension of time.	Appellant's opening brief. Requested for 08/05/2021 By 30 Day(s)
07/07/2021	Granted - extension of time.	Appellant's opening brief. Due on 08/05/2021 By 30 Day(s)
08/05/2021	Motion/application to augment record filed.	and 30 day aob eot

08/12/2021	Augmentation granted. (See order.)	<p>BY THE COURT:</p> <p>The application filed by appellant to augment the record on appeal is granted.</p> <p>Except for any confidential and/or sealed items, which shall be sent to this court only, the Clerk of the Superior Court shall send a set of the items to this court and a set to each appellate counsel within 40 days from the date this order.</p> <p>The respondent's brief is due 30 days after the filing of the augment of the record.</p>
05/04/2022	Augmented record filed.	rt-1; 11/14/2018
05/04/2022	Appellant's opening brief.	Defendant and Appellant: Lionel Jericho McCoy, Jr. Attorney: Clifford Gardner
06/06/2022	Requested - extension of time.	Respondent's brief. Requested for 07/06/2022 By 33 Day(s)
06/06/2022	Granted - extension of time.	Respondent's brief. Due on 07/06/2022 By 33 Day(s)
07/06/2022	Requested - extension of time.	Respondent's brief. Requested for 08/05/2022 By 30 Day(s)
07/08/2022	Granted - extension of time.	Respondent's brief. Due on 08/05/2022 By 30 Day(s)
08/08/2022	Respondent notified re failure to file respondent's brief.	Plaintiff and Respondent: The People Attorney: Office of the Attorney General
09/22/2022	Requested - extension of time.	Respondent's brief. Requested for 10/24/2022 By 47 Day(s)
09/26/2022	Granted - extension of time.	Respondent's brief. Due on 10/24/2022 By 47 Day(s)
		No further extensions of time are contemplated
10/24/2022	Requested - extension of time.	Respondent's brief. Requested for 10/31/2022 By 7 Day(s)
10/25/2022	Granted - extension of time.	Respondent's brief. Due on 10/31/2022 By 7 Day(s)
		No further extensions of time will be granted
10/31/2022	Respondent's brief.	Plaintiff and Respondent: The People Attorney: Office of the Attorney General
11/14/2022	Appellant's reply brief.	Defendant and Appellant: Lionel Jericho McCoy, Jr. Attorney: Clifford Gardner
11/14/2022	Case fully briefed.	
11/30/2022	Record to court for review.	
12/02/2022	Case on conference list.	
12/02/2022	Oral argument waiver notice sent.	
12/13/2022	Filed:	Waiver of oral argument by appellant

12/27/2022	Opinion filed.	(Signed Unpublished) The matter is remanded for clarification regarding the amount of victim restitution and the fees and fines imposed by the court. The judgment is affirmed in all other respects.
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