

No. 22-_____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER BARRET — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court, Eastern District of New York, 10-CR-809 (KAM)

United States Court of Appeals, Second Circuit, 21-1743

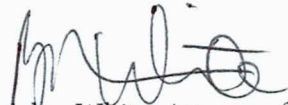
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☒ The appointment was made under the following provision of law: _____
Criminal Justice Act _____, or

☒ a copy of the order of appointment is appended.


/s/ Brendan White, Attorney for Petitioner
(Signature)

March 21, 2023

UNITED STATES SUPREME COURT

X

CHRISTOPHER BARRET,

No. 22-_____

Petitioner,

v.

UNITED STATES OF AMERICA,

AFFIRMATION IN SUPPORT
OF MOTION FOR IN FORMA
PAUPERIS RELIEF

Respondent.

X

BRENDAN WHITE, an attorney duly admitted to practice in this Court,
hereby affirms the following under penalty of perjury:

1. represent Christopher Barret, the Petitioner in the above-captioned Petition.


This Affirmation is in support of his motion for in forma pauperis relief in this Court.

2. By Order of July 22, 2022, I was assigned by the United States Court of Appeals for the Second Circuit to, to represent Mr. Barret in his appeal (2d Cir. Dkt. No. 21-1743) of the amended judgment of conviction in the United States District Court for the Eastern District of New York. (E.D.N.Y. Dkt. No. 10-CR-809). (A copy of the Second Circuit's Order assigning me is attached hereto as Exhibit A.) Prior to my assignment, Mr. Barret had been represented in the Eastern District of New York by assigned counsel, and had in fact been represented by assigned counsel since his arrest in 2010. He has remained incarcerated since then. (A copy of the affirmation of prior counsel is attached hereto as Exhibit B.)

WHEREFORE, it is respectfully requested that the foregoing motion for in
forma pauperis relief be granted.

DATED: New York, New York

March 21, 2023

/s/ 
BRENDAN WHITE

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of July, two thousand twenty-one.

United States of America,

Appellee,

v.

Kareem Forrest, et al.,

Defendants,

Christopher Barret, DBA Derrick Brown,
AKA Sean Brown, AKA Mouthy, AKA The
General, AKA Chris, AKA Solo,

Defendant - Appellant.

ORDER

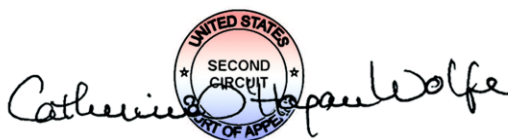
Docket No. 21-1743

Benjamin Silverman moves to be relieved as counsel for the Appellant.

IT IS HEREBY ORDERED that the motion to be relieved is GRANTED. Brendan M. White, Esq., White & White, 524 East 20th Street, #6D, New York, NY 10009 is assigned as new counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. Attorney White is directed to review Local Rule 31.2 regarding procedures for setting the filing dates for the submission of briefs.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal of the United States Court of Appeals for the Second Circuit. The seal is blue and white with the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS" around the perimeter.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X

UNITED STATES OF AMERICA,

-v.-

CHRISTOPHER BARRET,

20-1743cr
AFFIRMATION

Appellant.

-----X

BENJAMIN SILVERMAN an attorney admitted to practice in this Court,
under penalty of perjury, affirms as follows:

1. I am an attorney for defendant-appellant Christopher Barret, having been appointed to represent him in the district court pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. I was the third attorney assigned to represent Mr. Barret. I am familiar with the facts and circumstances set forth below.
2. I was appointed for Mr. Barret's partial resentencing following the district court's partial grant of 2255 relief.
3. Subsequent to his resentencing on July 13, 2021, Mr. Barret asked me to file a notice of appeal on his behalf, which was filed on July 16, 2021.
4. I have communicated with Mr. Barret and he advises that, because he is unsatisfied with the result of his resentencing, he would like another

lawyer to handle his appeal. He communicated this to me in no uncertain terms.

5. Mr. Barret has been incarcerated for over ten years and has had appointed counsel throughout that time.

6. I have mailed a copy of this motion to Mr. Barret at MDC Brooklyn.

WHEREFORE I respectfully move to be relieved and to have successor CJA counsel appointed to represent Mr. Barret this appeal.

Dated: July 21, 2021
New York, NY

/s/ Benjamin Silverman
Benjamin Silverman
Attorney at Law
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New York, NY 10001
212-203-8074
benjamin@bsilvermanlaw.com