

CASE NO. \_\_\_\_\_ (CAPITAL CASE)  
IN THE SUPREME COURT OF THE UNITED STATES  
October Term, 2022

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**JAMES H. ROANE, JR.,**

**Petitioner,**

v.

**UNITED STATES OF AMERICA,**

**Respondent.**

**RICHARD TIPTON**

**Petitioner,**

v.

**UNITED STATES OF AMERICA,**

**Respondent.**

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**PETITIONERS' MOTION AND AFFIRMATION  
FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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Petitioners James H. Roane, Jr., and Richard Tipton, through counsel, respectfully move for leave to proceed *in forma pauperis* and submit as follows:

1. This case is before the Court on a petition for writ of certiorari.
2. Mr. Roane and Mr. Tipton are federal death sentenced prisoners who are incarcerated at the United State Penitentiary in Terry Haute, Indiana.

3. On August 6, 2009, the United States Court of Appeals for the Fourth Circuit appointed the Federal Community Defender for the Eastern District of Pennsylvania as counsel for Mr. Roane.

4. In January 2002, counsel Frederick Gerson and Stephen A. Northup were appointed to represent Mr. Tipton in his Section 2255 proceedings pursuant to the Criminal Justice Act. Jeffrey Ertel was subsequently appointed to represent Mr. Tipton by the district court and the Fourth Circuit in his capacity as a Federal Defender. Undersigned Gerald King was appointed and admitted pro hac vice by the district court in the proceeding below in his capacity as a Federal Public Defender and argued the appeal in the Fourth Circuit.

5. The orders appointing counsel are attached to this motion.

6. The Petitioners were found indigent in the district court and court of appeals.

7. Petitioners remain incarcerated today and there has been no change in their financial status. They are without funds to secure the services necessary to proceed in this Court (*e.g.*, printing fees, etc.) or to pay any fees.

8. Undersigned counsel affirm that all statements related above are true and correct.

WHEREFORE, Petitioners request that this Court allow them to proceed *in forma pauperis*.

Respectfully submitted,

/s/ Shawn Nolan

\*SHAWN NOLAN

Chief, Capital Habeas Unit

JOANNE HEISEY

Federal Community Defender for the

Eastern District of Pennsylvania

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Counsel for Petitioner James H. Roane, Jr.

\*JOHN G. BAKER

Federal Public Defender for the Western

District of North Carolina

/s/ Gerald W. King, Jr.

\*GERALD W. KING, JR.

Chief, Capital Habeas Unit

for the Fourth Circuit

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Counsel for Petitioner Richard Tipton

\*Members of the Supreme Court Bar

Dated: April 14, 2023

## CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing upon the following persons by first class mail, postage prepaid:

Elizabeth B. Prelogar  
Solicitor General  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530-0001

Richard D. Cooke  
United States Attorney for the Eastern District of Virginia  
919 E. Main St.  
Suite 1900  
Richmond, VA 23219

/s/Shawn Nolan  
Shawn Nolan

Dated: April 14, 2023

FILED: August 26, 2009

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 09-8  
(3:92-cr-00068-JRS)

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In re: JAMES H. ROANE, JR.,

Movant

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THE INNOCENCE NETWORK,

Amicus Curiae

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O R D E R

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Upon consideration of the submissions relative to the motion for appointment of counsel, the Court appoints the Capital Habeas Corpus Unit of the Federal Community Defender for the Eastern District of Pennsylvania as counsel for James H. Roane, Jr. effective August 6, 2009.

For the Court

/s/ Patricia S. Connor, Clerk

FILED: August 7, 2013

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 13-8  
(3:92-cr-00068-JRS-1)  
(3:98-cv-00361-JRS)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RICHARD TIPTON, a/k/a Whittey

Defendant - Appellant

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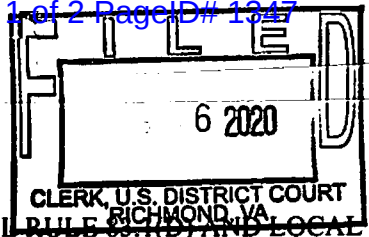
O R D E R

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The court appoints Jeffrey L. Ertel to represent Richard Tipton on appeal.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk



IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

APPLICATION TO QUALIFY AS A FOREIGN ATTORNEY UNDER LOCAL CIVIL RULE 57.4 AND LOCAL CRIMINAL RULE 57.4

In Case Number 3:92-cr-00068-DJN-1, Case Name USA v. Tipton
Party Represented by Applicant: Richard Tipton

To: The Honorable Judges of the United States District Court for the Eastern District of Virginia

PERSONAL STATEMENT

FULL NAME (no initials, please) Gerald Wesley King, Jr.
Bar Identification Number 140981 State Georgia
Firm Name Federal Defender Program
Firm Phone # 404-688-7530 Direct Dial # 678-539-4342 FAX # 404-688-0768
E-Mail Address Gerald.King@fd.org
Office Mailing Address 101 Marietta Street, NW, Suite 1500, Atlanta, GA 30303

Name(s) of federal court(s) in which I have been admitted NDGA, MDGA, D.C. Circuit, 4th Circuit, 11th Circuit and US Supreme Court

I certify that the rules of the federal court in the district in which I maintain my office extend a similar pro hac vice admission privilege to members of the bar of the Eastern District of Virginia.

I have not been reprimanded in any court nor has there been any action in any court pertaining to my conduct or fitness as a member of the bar.

I hereby certify that, within ninety (90) days before the submission of this application, I have read the Local Rules of this Court and that my knowledge of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence is current.

I am \_\_\_ am not \_\_\_ a full-time employee of the United States of America, and if so, request exemption from the admission fee. \*\*\*

\*\*\* Attorney is a court appointed attorney of the Federal Defender Program, Inc.

/s/ Gerald Wesley King, Jr.
(Applicant's Signature)

I, the undersigned, do certify that I am a member of the bar of this Court, not related to the applicant; that I know the applicant personally, that the said applicant possesses all of the qualifications required for admission to the bar of this Court; that I have examined the applicant's personal statement. I affirm that his/her personal and professional character and standing are good, and petition the court to admit the applicant pro hac vice.

/s/ Frederick R. Gerson 8/4/2020
(Signature) (Date)
Frederick R Gerson 39968
(Typed or Printed Name) (VA Bar Number)

Court Use Only:

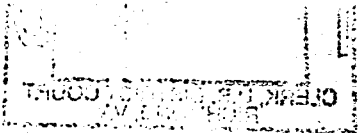
Clerk's Fee Paid \_\_\_ or Exemption Granted [checked]

The motion for admission is GRANTED [checked] or DENIED \_\_\_

David J. Novak [Signature]
United States District Judge
(Judge's Signature)

August 6, 2020
(Date)





David J. Novak  
United States District Judge

August 6, 2020