

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

JAMES H. ROANE, JR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

RICHARD TIPTON

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

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.
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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

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

In re: JAMES H. ROANE, JR.,

Movant

THE INNOCENCE NETWORK,

Amicus Curiae

O R D E R

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

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

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RICHARD TIPTON, a/k/a Whittey

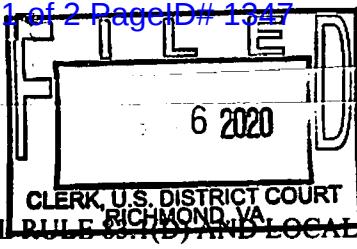
Defendant - Appellant

O R D E R

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
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
(Signature)
Frederick R Gerson
(Typed or Printed Name)

8/4/2020
(Date)
39988
(VA Bar Number)

Court Use Only:

Clerk's Fee Paid or Exemption Granted ✓

The motion for admission is GRANTED ✓ or DENIED

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

August 6, 2020
(Date)



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David I. Novak
United States District Judge

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