

No. _____
In The
SUPREME COURT OF THE UNITED STATES

DANIEL KIM,
Petitioner,
v.
COMMONWEALTH OF MASSACHUSETTS
Respondent.

Motion For Leave To Proceed In Forma Pauperis

TO THE HONORABLE JUSTICES OF UNITED STATES
SUPREME COURT:

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner has previously been granted leave to proceed in forma pauperis in the following courts:
Massachusetts Superior Court,
Massachusetts Appeals Court, and
Supreme Judicial Court of Massachusetts.

Petitioner's affidavit or declaration is attached, but be aware that the state agency overseeing indigent defense appointed counsel in the current proceeding.

The appointment of counsel was made pursuant to G.L. c 211D, § 5, which provides for the appointment or assignment of counsel to represent indigent criminal defendants in the Massachusetts courts.

Respectfully submitted,

Daniel Kim,
By his attorney,

//S//

Brad P. Bennion
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Counsel of Record for the Petitioner

Dated: April 5, 2023

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Affidavit of Counsel

Being duly sworn, I do hereby depose and say:

1. I have been assigned to represent the defendant/petitioner Daniel Kim in all appellate/post-conviction proceedings. The Massachusetts Committee for Public Counsel Services, the state agency that oversees representation of indigent defendants issued counsel a notice of assignment of counsel (NAC) number, through electronic means, to keep track of the appointment, which is D22802743. C.P.C.S. made the appointment of appellate counsel on August 4, 2021.

2. As stated above, I was appointed through G.L. c 211D, § 5, which allows the appointment or assignment of

counsel to indigent defendants. *See* U.S. Const., Amends. 6th; 14th; *Gideon v. Wainwright*, 372 U.S. 335 (1963).

3. The Massachusetts Superior Court found the defendant indigent initially on October 17, 2014 [App. 20], and again on December 19, 2017. [App. 27].

4. The Commonwealth will not be prejudiced by the requested action.

5. The defendant is presently incarcerated.

Signed under the pains and penalties of perjury this fourth (5th) day of April 2023.

Daniel Kim,
By his attorney,

//S//

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