

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

VIVIAN WOODSTOCK,
Petitioner,

v.

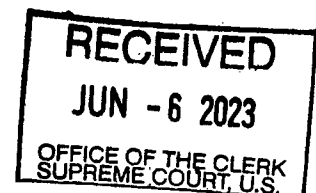
STATE OF FLORIDA,
Respondent.

On Petition for a Writ of Certiorari to the
District Court of Appeal for the
Second District of Florida

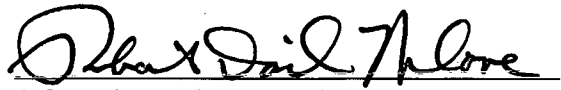
MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner, Vivian Woodstock, asks leave to file the enclosed Petition for a Writ of Certiorari to the Supreme Court of the United States without prepayment of costs and to proceed *In Forma Pauperis* in accordance with Supreme Court Rule 39. The Petitioner is a prisoner in the Florida Department of Corrections and has previously been granted permission to appeal *In Forma Pauperis* as to filing fees in this cause by the Circuit Court for the Thirteenth Judicial Circuit, in and For Hillsborough County, Florida. *See attached.*

WHEREFORE, Petitioner, Vivian Woodstock prays for leave to proceed *In Forma Pauperis*.



Respectfully submitted,

A handwritten signature in black ink, reading "Robert David Malove", written over a horizontal line.

ROBERT DAVID MALOVE

The Law Office of

Robert David Malove, P.A.

200 S.E. 9th Street

Ft. Lauderdale, Florida 33316

(954) 861-0384

Counsel of Record

Attorney for Petitioner

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, VIVIAN WOODSTOCK, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Self-employment	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Income from real property (such as rental income)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Interest and dividends	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Gifts	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Alimony	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Child Support	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Disability (such as social security, insurance payments)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Unemployment payments	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Public-assistance (such as welfare)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Other (specify): _____	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Total monthly income:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
UNEMPLOYED			\$ 0.00
			\$ 0.00
			\$ 0.00

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NOT MARRIED			\$ 0.00
			\$ 0.00
			\$ 0.00

4. How much cash do you and your spouse have? \$ 0.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
NOT APPLICABLE	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
Description _____
Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NOT APPLICABLE	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
NOT APPLICABLE		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0.00	\$ 0.00
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0.00	\$ 0.00
Home maintenance (repairs and upkeep)	\$ 0.00	\$ 0.00
Food	\$ 0.00	\$ 0.00
Clothing	\$ 0.00	\$ 0.00
Laundry and dry-cleaning	\$ 0.00	\$ 0.00
Medical and dental expenses	\$ 0.00	\$ 0.00

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ 0.00
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ 0.00
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ 0.00
Life	\$ 0.00	\$ 0.00
Health	\$ 0.00	\$ 0.00
Motor Vehicle	\$ 0.00	\$ 0.00
Other: _____	\$ 0.00	\$ 0.00
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0.00	\$ 0.00
Installment payments		
Motor Vehicle	\$ 0.00	\$ 0.00
Credit card(s)	\$ 0.00	\$ 0.00
Department store(s)	\$ 0.00	\$ 0.00
Other: _____	\$ 0.00	\$ 0.00
Alimony, maintenance, and support paid to others	\$ 0.00	\$ 0.00
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ 0.00
Other (specify): _____	\$ 0.00	\$ 0.00
Total monthly expenses:	\$ 0.00	\$ 0.00

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? 0.00

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? 0.00


If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

**I HAVE BEEN INCARCERATED FOR THE PAST TWO YEARS. I HAVE NO ASSETS,
NO INCOME, AND NO FUTURE INCOME EXPECTED**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: JUNE 9, 2023



(Signature)

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
FOR HILLSBOROUGH COUNTY, FLORIDA
Criminal Justice and Trial Division**

STATE OF FLORIDA

CASE NO.: 18-CF-011566-A

v.

**VIVIAN WOODSTOCK,
Defendant.**

DIVISION: G

**ORDER GRANTING DEFENDANT'S SECOND AMENDED MOTION FOR LEAVE TO
PROCEED WITHOUT PAYMENT OF COSTS FOR PURPOSES OF POST-
CONVICTION**


THIS MATTER is before the Court upon Defendant's "Second Amended Motion for Leave to Proceed without Payment of Costs for Purposes of Post-Conviction," filed on July 21, 2022. After reviewing Defendant's motion, the court file, and the record, the Court finds as follows:

In his motion, Defendant requests that he "may seek review of this Court's judgment and sentence without prepayment of costs or security thereof." (*See* Second Amended Motion for Leave to Proceed without Payment of Costs for Purposes of Post-Conviction, attached). Furthermore, Defendant requests "[t]hat the costs associated with transcribing the proceeding in this case, as designated by counsel, shall be borne by the Justice Administrative Commission." *Id.* In support of his requests, Defendant asserts that he "has attached to this motion a recent application for indigent status and [the] clerk's determination of indigency, an affidavit of attorney's fees, and a response (email) from the Justice Administrative Commission." *Id.*

After reviewing Defendant's motion, the court file, and the record, the Court finds the Clerk of Court has determined Defendant to be indigent. *Id.* **As such, the Court finds it will declare Defendant to be indigent for costs for the purposes of his direct appeal in case number 18-CF-011566-A.**

It is therefore **ORDERED AND ADJUDGED** that the Defendant's "Second Amended Motion for Leave to Proceed without Payment of Costs for Purposes of Post-Conviction" is hereby **GRANTED** in accordance with the above order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida this ____ day of July, 2022.


18-CF-011566-A 7/22/2022 T:56:48 PM

ROBIN F. FUSON, Circuit Judge

Attachment:

Second Amended Motion for Leave to Proceed without Payment of Costs for Purposes of Post-Conviction

Copies to:

Assistant State Attorney, Division G

Robert Malove, Esq.
200 S.E. 9th St.
Ft. Lauderdale, FL 33316

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 18-CF-011566A

v.

JUDGE: ROBIN F. FUSON

VIVIAN WOODSTOCK,
Defendant.

SECOND AMENDED MOTION FOR LEAVE TO PROCEED WITHOUT PAYMENT
OF COSTS FOR PURPOSES OF POST-CONVICTION

COMES NOW the Defendant, VIVIAN WOODSTOCK, by and through undersigned counsel and respectfully moves this Court for an Order providing:

1. That Defendant may seek review of this Court's judgment and sentence without prepayment of costs or security thereof;
2. That the costs associated with transcribing the proceedings in this case, as designated by counsel, shall be borne by the Justice Administrative Commission.

In support of this request, Defendant has attached to this motion a recent application for indigent status and clerk's determination of indigency, an affidavit of attorney's fees, and a response (email) from the Justice Administrative Commission. *See attached.*

Respectfully submitted,

The Law Office of
ROBERT DAVID MALOVE, PA.
200 S. Andrew Avenue, Suite 100
Ft. Lauderdale, Florida 33301
(954) 861-0384

By: /s/ Robert David Malove
Robert David Malove, Esq.
Florida Bar No.: 407283

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was electronically filed via the Florida Court's e-filing portal and that a copies were served upon the Office of the State Attorney, on this 21st day of July, 2022.

/s/ Robert David Malove
Robert David Malove, Esq

STATE OF FLORIDA vs
VIVIAN R WOODSTOCK

Defendant/Minor Child

CASE NO. 2018-CF-011566

APPLICATION FOR CRIMINAL INDIGENT STATUS☐ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER

OR

☒ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have ☐ dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 0 paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)
- I have other income paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits..... Yes \$ _____ (No)	Veterans' benefit..... Yes \$ _____ (No)
Unemployment compensation..... Yes \$ _____ (No)	Child support or other regular support from family members/spouse..... Yes \$ _____ (No)
Union Funds..... Yes \$ _____ (No)	Rental income..... Yes \$ _____ (No)
Workers compensation..... Yes \$ _____ (No)	Dividends or interest..... Yes \$ _____ (No)
Retirement/pensions..... Yes \$ _____ (No)	Other kinds of income not on the list..... Yes \$ _____ (No)
Trusts or gifts..... Yes \$ _____ (No)	
- I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No.")

Cash..... Yes \$ _____ (No)	Savings..... Yes \$ _____ (No)
Bank account(s)..... Yes \$ <u>50.00</u> (No)	Stocks/bonds..... Yes \$ _____ (No)
Certificates of deposit or money market accounts..... Yes \$ _____ (No)	*Equity in Real estate (excluding homestead) Yes \$ _____ (No)
*Equity in Motor vehicles/Boats..... Yes \$ _____ (No)	*include expectancy of an interest in such property
Other tangible property	
- I have a total amount of liabilities and debts in the amount of \$ 4,000,000.00.
- I receive: (Circle "Yes" or "No.")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	<input checked="" type="checkbox"/> No
Poverty-related veterans' benefits.....	Yes	<input checked="" type="checkbox"/> No
Supplemental Security Income (SSI).....	Yes	<input checked="" type="checkbox"/> No
- I have been released on bail in the amount of \$ _____ Cash ☐ Surety ☐ Posted by: Self ☐ Family ☐ Other ☐

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 29 day of June, 2022.Date of Birth 05-15-1973Driver's license or ID number W323-876-175-0

Signature of applicant for Indigent status -

Print full legal name

Address

City, State, Zip

Phone number

VIVIAN WOODSTOCK520 Falkenburg RoadTampa, FL 33619Hillsborough County Jail**CLERK'S DETERMINATION**☒ Based on the information in this Application, I have determined the applicant to be ☒ Indigent ☐ Not Indigent

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 14TH day of JULY, 20 22.Lashawn Harrison
Clerk of the Circuit Court

This form was completed with the assistance of

Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent. _____

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 18-CF-011566A

v.

JUDGE: ROBIN F. FUSON

VIVIAN WOODSTOCK,

Defendant.

INDIGENT FOR COSTS AFFIDAVIT OF ATTORNEY'S FEES

Pursuant to 27.52(5), Florida Statutes

I, VIVIAN WOODSTOCK, I am represented by Robert David Malove, Esquire in the above entitled action. The estimated amount of fees for the attorney named above in this case is twelve thousand dollars (\$12,000.00). The fees paid or to be paid to the attorney were or are being paid by my family.

No other compensation, things of value or funds have been paid or are anticipated to be paid in the future to the attorney in this case from any other person or source.

Under penalty of perjury, I declare that I have read the foregoing Indigent for Costs Affidavit of Attorney's Fees and that the facts stated in it are true.

Date: 6-29-22



VIVIAN WOODSTOCK



2 messages

Tue, Jul 5, 2022 at 1:28 PM

To: KATIE@ROBERTMALLOVELAW.COM <KATIE@robertmallovelaw.com>, JEANNETTE@ROBERTMALLOVELAW.COM <JEANNETTE@robertmallovelaw.com>

The Justice Administrative Commission (JAC) has received and reviewed the Motion for Leave to Proceed Without Payment of Costs for Purposes of Post-Conviction as to the above-referenced matter. JAC will not be filing a formal response and takes no position as to your motion except JAC objects insofar as the estimated attorney fees exceed the statutory presumption of non-indigence pursuant to s. 27.52(5), F.S. JAC does not request to participate in any hearing set on the motion. You may utilize this email in lieu of a formal response and should attach it to your motion when you provide it to the court.

JAC infers you are seeking appellate costs associated with the notice appeal of the judgment and sentence filed on June 21, 2022..

Please be advised that your indigent for costs contract with JAC has expired. You will need to execute a current contract before incurring any costs in this matter. **JAC cannot process any invoice for payment until you execute this contract.**

If the Defendant is convicted, the **defense must file an accounting with the trial court within 90 days of disposition** per s. 27.52(5)(i), F.S. Failure to file this accounting will delay JAC from processing any pending due process services bills for payment.

Sincerely,

Christian Lake

Assistant General Counsel

JAC Website: <https://www.justiceadmin.org>

07/22/2022 01:56:51 PM Electronically Filed: Hillsborough County/19th Judicial Circuit Page 8 2/3



 Motion For Indigence Doc 168942.pdf
682K

Jeannette Luciano <jeannette@robertmaloveiaw.com>
To: Tami Gordon <tami@robertmalovelaw.com>

Tue, Jul 5, 2022 at 2:10 PM

Sincerely,

Jeannette Luciano
Administrative Assistant

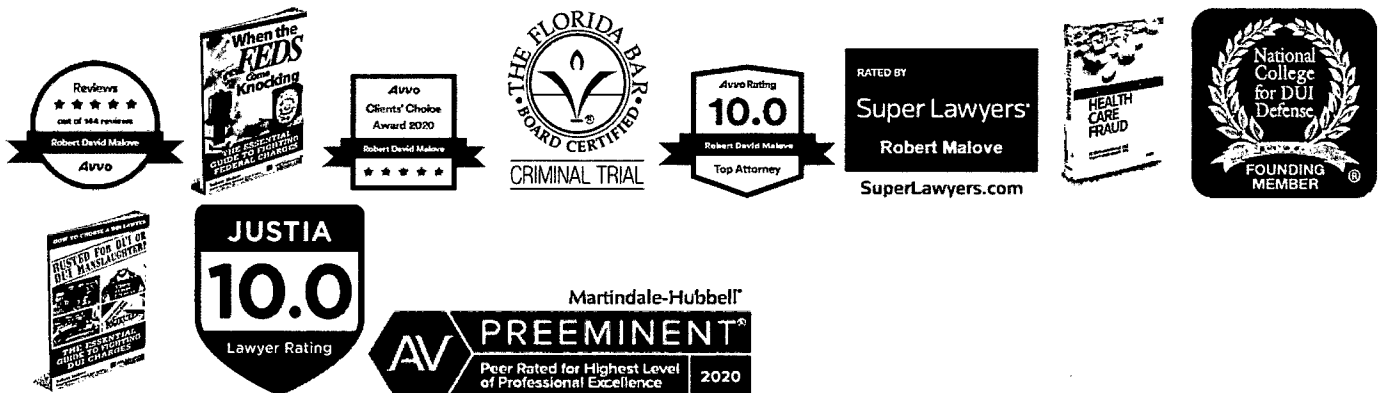
Helping people defend their freedom and get their lives back on track.

**The Law Offices of
Robert David Malove, Esquire
Florida Bar Board Certified Criminal Trial Lawyer**

DUI, State & Federal Criminal Defense, Medicare Fraud Defense,
Sentencing Strategies, Post-Conviction Remedies and Appeals

WE'VE MOVED! PLEASE NOTE OUR NEW ADDRESS:

The Law Office of Robert David Malove, P.A.
200 SE 9th Street
Fort Lauderdale, FL 33316
ph: (954) 861-0384 | e-fax: (954) 333-6927
RobertMaloveLaw.com



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 Motion For Indigence Doc 168942.pdf
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