

SEP 01 2023

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No. 23-5542**In The Supreme Court of The United States**

STEPHEN JAMES HOOD, PETITIONER,

VS.

VIRGINIA, RESPONDENT.

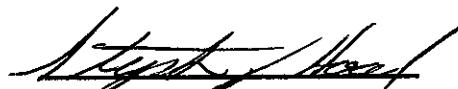
**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

The petitioner, Stephen James Hood, proceeding pro se, 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 court:

- The Court of Appeals of Virginia

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding. The appointment was made under the following provision of law: Virginia Code § 19.2-327.11(E), and a copy of the order of appointment is appended.



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## **VIRGINIA:**

*In the Court of Appeals of Virginia on Friday the 17th day of December, 2021.*

Stephen James Hood,

Petitioner,

against Record No. 0732-21-2

Commonwealth of Virginia,

Respondent.

### **Upon a Petition for a Writ of Actual Innocence**

On July 14, 2021, Stephen James Hood, by counsel, filed with this Court a Petition for a Writ of Actual Innocence Based on Nonbiological Evidence under the provisions of Chapter 19.3 of Title 19.2 of the Code of Virginia. Hood claims he is innocent of a certain crime for which he was convicted in the Circuit Court of the City of Richmond on September 13, 2002.

Upon consideration of the petition, we have determined that the petition will not be summarily dismissed. Consequently, the Attorney General shall have sixty (60) days from the date of receipt of this order to file a response to the petition. Code § 19.2-327.11(C). In addition to addressing the merits of the petition, the Attorney General is directed to address this Court's jurisdiction to consider the petition under the factual circumstances presented.

On October 25, 2021, Hood notified the Court that he had terminated the legal services of Joseph F. Grove, Esquire, his retained attorney, and filed a motion to proceed *pro se* and that the Court appoint standby counsel to assist him with his case. On November 16, 2021, the said Joseph F. Grove, Esquire, filed a motion to withdraw as counsel for the petitioner in this case.

Upon consideration of these filings, the motion to withdraw is granted and Joseph F. Grove, Esquire, is relieved of further responsibilities in this matter.

Upon further consideration, Hood's motion to proceed *pro se* and for the Court to appoint standby counsel is denied without prejudice.

Under Code § 19.2-327.11(E), we hereby appoint Steven Shareff, Esquire, a discreet and competent attorney-at-law, to represent Hood in this case. Steven Shareff may file a reply to the Attorney General's response within thirty (30) days after the response is filed.

We direct the Clerk of this Court to deliver on this date this order to the Attorney General, and send copies to the Commonwealth's Attorney for the City of Richmond, Hood, Grove, Joseph F. Grove, Esquire, petitioner's former counsel, and Stephen Shareff, Esquire, petitioner's newly appointed counsel.

A Copy,

Teste:

A. John Vollino, Clerk

By:

*Aure Calie Forsythe*

Deputy Clerk