

No.

IN THE
SUPREME COURT OF THE UNITED STATES

RAKEEM BARBER
Petitioner

v.

STATE OF ARIZONA

On Petition for Writ of Certiorari to the
Court of Appeals of the State of Arizona, Division One

MOTION FOR LEAVE TO PROCEED IN *FORMA PAUPERIS*

Petitioner, Rakeem Barber, pursuant to Supreme Court Rule 39(1), asks leave of Court to file the accompanying petition for writ of certiorari, without prepayment of costs, and to proceed *in forma pauperis*. The court below appointed counsel for an indigent party and undersigned counsel was appointed pursuant to Rule 32.5 of the Arizona Rules Criminal Procedure. A copy of the order of appointment is appended to the motion.

Respectfully submitted,



KATIA MÉHU

Counsel of Record

Maricopa County

Indigent Representation Contract
(Adult Criminal)

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November 22, 2023

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-111701-002 DT
CR2015-141119-002 DT

03/24/2020

HONORABLE DEWAIN D. FOX

CLERK OF THE COURT
K. Sotello-Stevenson
Deputy

STATE OF ARIZONA

JEFFREY LEE SPARKS

v.

RAKEEM BARBER (002)

RAKEEM BARBER
266613 ASPC YUMA CIBOLA UNIT
PO BOX 8909
SAN LUIS AZ 85349
KATIA MEHU

COURT ADMIN-CRIMINAL-PCR
JUDGE FOX
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

**COUNSEL APPOINTED
NEW BRIEFING SCHEDULE SET
REHEARING DENIED**

The Court has reviewed Defendant's Notice Requesting Post-Conviction Relief filed on March 13, 2020, "Motion to Strike Consolidated Petition for Post-Conviction Relief and Request to Proceed with Court Appointed Counsel" filed on March 13, 2020, and "Motion for Reconsideration" filed on February 28, 2020. Defendant filed a motion for reconsideration, which the Court deems a motion for rehearing, regarding an order filed on February 13, 2020. The denial of the motion for expeditious consideration is not a proper basis for rehearing. *See* Ariz. R. Crim. P. 32.14(a); Ariz. R. Crim. P. 33.14(a). In addition, Defendant no longer wishes to be unrepresented during these Rule 32 and Rule 33 proceedings and requests that counsel be appointed and the Petitions filed on October 22, 2019 and October 31, 2019 be struck. Good cause appearing,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-111701-002 DT
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03/24/2020

IT IS ORDERED:

- 1) Striking the Petitions for Post-Conviction Relief filed on October 22, 2019 and October 31, 2019.
- 2) Katia Mehu is appointed to represent Defendant in these Rule 32 and Rule 33 proceedings.
- 3) Counsel must file either a Petition for Post-Conviction Relief or, in the absence of any colorable claims, a Notice of Completion in each case no later than May 25, 2020. If counsel files a Notice of Completion, then Defendant may file a Pro Per Petition for Post-Conviction Relief.
- 4) The State must file the Response within 45 days after the Petition is filed.
- 5) Defendant may file the Reply within 15 days after the Response is served.
- 6) When all pleadings have been filed, the assigned judge will decide whether to dismiss the Petition summarily, set it for an informal conference, or set an evidentiary hearing. Ariz. R. Crim. P. 32.11(a), 32.12(a), 32.13(a); Ariz. R. Crim. P. 33.11(a), 33.12(a), 33.13(a).
- 7) Denying the "Motion for Reconsideration."