

ORIGINAL

No. 23-

23-6446

FILED

NOV 04 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM RILEY GAUL – PETITIONER (pro se)

VS.

STATE OF TENNESSEE – RESPONDENT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

After being convicted by a Knox County, Tennessee jury I was sentenced to serve life in prison in the Tennessee Department of Corrections. On June 15, 2021, the trial judge presiding over my trial entered an order declaring me indigent within the meaning of the law. A copy of this Order is attached to this Motion as Exhibit 1.

I am currently in the custody of the Tennessee Department of Corrections. I appealed my case to the Court of Appeals for the State of Tennessee – Eastern Division and was allowed to perfect my appeal by attaching Exhibit 1 to my Notice of Appeal. When the Tennessee Court of Criminal Appeals denied me my requested relief, I then pursued an Application for Permission to Appeal to the Supreme Court

for the State of Tennessee. The Tennessee Supreme Court denied my Application for Permission to Appeal.

I attach my Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis* to this Motion as Exhibit 2.

PREMISES CONSIDERED, I ask this Court to allow me to proceed *in forma pauperis* regarding my Petition for Writ of Certiorari to this Court.

Respectfully Submitted,



WILLIAM RILEY GAUL
T.D.O.C. # 00593432
Northwest Correctional Complex
960 State Road 212
Tiptonville, Tennessee 38079

IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE,

Plaintiff

v.

WILLIAM GAUL,

Defendant

FILED
BY MIKE HAMMOND
JUN 15 2021

KNOX COUNTY CRIMINAL COURT
KNOXVILLE, TN

Case Number: 109744

ORDER

This cause came to be heard on the 4th day of June, 2021, upon Mr. Gaul's renewed motion for this Court to find Mr. Gaul indigent. It appearing to the Court that Mr. Gaul is currently serving a life sentence in the Tennessee Department of Corrections regarding this matter. It further appearing to this Court that this Court previously declared Mr. Gaul indigent regarding the transcripts of this proceeding and upon affidavit. Since Mr. Gaul's financial situation has not changed, this Court specifically finds that Mr. Gaul is indigent within the meaning of the law. Therefore, it is accordingly ORDERED, ADJUDGED AND DECREED that Mr. Gaul is indigent within the meaning of the law.

ENTER THIS 15 DAY OF June, 2021.


BOB R. McGEE, Criminal Court Judge
By Designation

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

I, William Riley Gaul, 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	\$ <u>20.00</u>	\$ <u>Not Applicable</u>	\$ <u>20.00</u>	\$ <u>Not Applicable</u>
Self-employment	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Interest and dividends	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Gifts	\$ <u>41.66</u>	\$ <u>Not Applicable</u>	\$ <u>41.66</u>	\$ <u>Not Applicable</u>
Alimony	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Child Support	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Unemployment payments	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Other (specify): _____	\$ <u>0.00</u>	\$ <u>Not Applicable</u>	\$ <u>0.00</u>	\$ <u>Not Applicable</u>
Total monthly income:	\$ <u>61.66</u>	\$ <u>Not Applicable</u>	\$ <u>61.66</u>	\$ <u>Not Applicable</u>

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
Tennessee Department of Corrections	960 State Route 212 Tiptonville, TN 38079	8-2018 to present	\$ 20.00
			\$
			\$

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 Applicable	Not Applicable	Not Applicable	\$ Not Applicable
Not Applicable	Not Applicable	Not Applicable	\$ Not Applicable
Not Applicable	Not Applicable	Not Applicable	\$ Not Applicable

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

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
Commissary at Northwest Correctional Complex (TDOC)	\$ 14.00	\$ Not Applicable
Not applicable	\$ Not Applicable	\$ Not Applicable
Not Applicable	\$ Not Applicable	\$ Not Applicable

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

Home

Value Not Applicable - I do not own a home

Other real estate

Value Not Applicable - I do not own any real estate

Motor Vehicle #1

Year, make & model Not Applicable - Do not own

a motor vehicle

Value Not Applicable

Motor Vehicle #2

Year, make & model Not Applicable - Do not own

a motor vehicle

Value Not Applicable

Other assets

Description I do not own any other assets

Value Not Applicable

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
No one owes me money	\$ Not Applicable	\$ Not Applicable
No one owes me money	\$ Not Applicable	\$ Not Applicable
No one owes	\$ Not Applicable	\$ Not Applicable

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	Not Applicable	Not Applicable
Not Applicable	Not Applicable	Not Applicable
Not Applicable	Not Applicable	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	\$ Not Applicable
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	\$ Not Applicable
Home maintenance (repairs and upkeep)	\$ 0.00	\$ Not Applicable
Food	\$ 10.00	\$ Not Applicable
Clothing	\$ 20.83	\$ Not Applicable
Laundry and dry-cleaning	\$ 0.00	\$ Not Applicable
Medical and dental expenses	\$ 0.50	\$ Not Applicable

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0.00	\$ Not Applicable
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ Not Applicable
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0.00	\$ Not Applicable
Life	\$ 0.00	\$ Not Applicable
Health	\$ 0.00	\$ Not Applicable
Motor Vehicle	\$ 0.00	\$ Not Applicable
Other: _____	\$ 0.00	\$ Not Applicable
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Not applicable</u>	\$ 0.00	\$ Not Applicable
Installment payments		
Motor Vehicle	\$ 0.00	\$ Not Applicable
Credit card(s)	\$ 0.00	\$ Not Applicable
Department store(s)	\$ 0.00	\$ Not Applicable
Other: <u>Not Applicable</u>	\$ 0.00	\$ Not Applicable
Alimony, maintenance, and support paid to others	\$ 0.00	\$ Not Applicable
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ Not Applicable
Other (specify): <u>Not Applicable</u>	\$ 0.00	\$ Not Applicable
Total monthly expenses:	\$ 31.33	\$ Not Applicable

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, but see below

If yes, how much? See below

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

I have not personally paid Wesley D. Stone, attorney, for his assistance with this case including the completion of this form. However, Mr. Stone will be paid \$7,500.00 by someone other than myself for his help in this regard. Mr. Stone's address is The Stone Law Firm, PLLC, 1518 N. Broadway Street, Knoxville, Tennessee 37917. His phone number is 865.722.1471.

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? Not Applicable

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

Not Applicable

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

I am in the custody of the Tennessee Department of Corrections. My life sentence of 60 years began on May 8, 2018, and my release date is currently April 10, 2076.

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

Executed on: November 30th, 2023



A large, handwritten signature in black ink that reads "Patricia A. Scott". Below the signature, the word "(Signature)" is written in a smaller, printed font.

A smaller, handwritten signature in black ink that reads "Patricia A. Scott".