

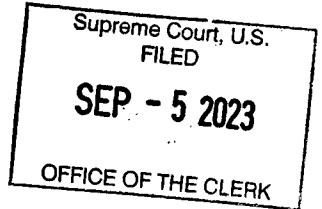
Andrew J. Avitable
il Marchese di Monte Bianco
(aka "Larson" by coercion only)
c/o WDOC #23916 – WHCC
P.O. Box 160
Newcastle, WY 82701

23-6548

ORIGINAL

Case NO. _____
Appeal on District Case #22-~~160~~ 168
Wyo. Sup. Ct. Case # S-23-0120

IN THE UNITED STATES SUPREME COURT



Andrew J. Avitable,
il Marchese di Monte Bianco,
(aka Larson by coercion),
Petitioner,

vs.

STATE OF WYOMING,
Respondent.

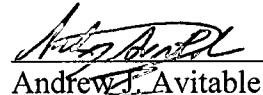
MOTION FOR LEAVE TO FILE IN FORMA PAUPERIS

The Petitioner asks leave to file previously filed appeal without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to file *in forma pauperis* in most of the previous courts he has had filings in except in relation to the immediate filing and one other. Petitioner exhausted his finances in the paying of the \$120.⁰⁰ District Court filing fee, \$140.⁰⁰ Wyoming Supreme Court filing fee, and the \$100.⁰⁰ District Court File Preparation Fee in this case and the other case being presented at the same time. Petitioner only expects to be paid approximately \$45.⁰⁰ each month to provide for his hypoglycemic snacks, over the counter medicines, printing needs, postage needs and all other needs. Petitioner's affidavit or declaration in support of this motion is attached hereto.

Respectfully Submitted this 31 day of August, 2023.




Andrew J. Avitable



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

I, Andrew J. Avitable, the petitioner in the above-entitled case state that because of my poverty I cannot pay the costs of this case in advance and I am entitled to redress.

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 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>\$ 45.00</u>	<u>N.A.</u>	<u>\$ 45.00</u>	<u>N.A.</u>
Self-employment	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Income from real property (such as rental income)	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Interest and dividends	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Gifts	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Alimony	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Child support	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Retirement (such as social security, pensions, annuities, insurance)	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Disability (such as social security, insurance payments)	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Unemployment payments	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Public-assistance (such as welfare)	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Other (specify)	<u>\$ -0-</u>	<u>N.A.</u>	<u>\$ -0-</u>	<u>N.A.</u>
Total monthly income:	<u>\$ 45.00</u>	<u>N.A.</u>	<u>\$ 45.00</u>	<u>N.A.</u>

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

Employer	Address	Dates of Employment	Gross monthly pay
Wyoming Honor Conservation Camp	P.O. Box 160 Newcastle, WY 82701	March of 2023 to present	<u>\$ 45.00</u>

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

Employer	Address	Dates of Employment	Gross monthly pay
N.A.	N.A.	N.A.	N.A.

How much cash do you and your spouse have? \$ N.A.

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

Financial institution Type of account Amount you have Amount your spouse has

<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
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List the assets, and their values, which you own or your spouse owns.

Home value	\$N.A.	Other real estate	\$N.A.
Motor Vehicle	\$N.A.	2 nd Motor vehicle	\$N.A.
Other assets	\$N.A.		

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
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<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
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State the persons who rely on you or your spouse for support.

Name	Relationship	Age.
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<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
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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 monthly rate.

	You	Your spouse
Rent or home mortgage payment?	<u>N.A.</u>	<u>N.A.</u>
<u>No taxes or Property Insurance at all.</u>		
Utilities(electric, heat, fuel, sewer, phone.)	<u>N.A.</u>	<u>N.A.</u>
Home maintenance (repairs, upkeep)	<u>N.A.</u>	<u>N.A.</u>
Food	<u>\$20.00</u>	<u>N.A.</u>
Clothing	<u>N.A.</u>	<u>N.A.</u>
Laundry and dry-cleaning	<u>N.A.</u>	<u>N.A.</u>
Medical and dental exp.	<u>\$2.10</u>	<u>N.A.</u>
Transportation (not including vehicle maint)	<u>N.A.</u>	<u>N.A.</u>
Recreation, entertainment newspapers, magazines, etc.	<u>\$7.00</u>	<u>N.A.</u>
Insurance (not deducted from wages or included in mortgage payments)		

Homeowner's or renters	<u>N.A.</u>	<u>N.A.</u>
Life	<u>N.A.</u>	<u>N.A.</u>
Health	<u>N.A.</u>	<u>N.A.</u>
Motor Vehicle	<u>N.A.</u>	<u>N.A.</u>
Other	<u>N.A.</u>	<u>N.A.</u>

Taxes (not deducted from wages or included in mortgage payments)

Specify (sales taxes)	<u>\$1.30</u>	<u>N.A.</u>
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Installment payments

Motor vehicle	<u>N.A.</u>	<u>N.A.</u>
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**Forma Pauperis
Supplemental Sheet**

Case # _____

ANDREW JOSEPH AVITABLE,
Petitioner,
vs.
STATE OF WYOMING,
Respondent.

Item	Expected Expense	Expected Change	Expected Balance
Total Pay		\$45.00	\$45.00
Money from Family (Averaged over 12 Months)		\$0.00	\$45.00
-10% for Mandatory Savings		\$0.00	\$45.00
Court Obligation/Payments		\$0.00	\$45.00
Food		\$20.00	\$25.00
Hypoglycemia Snacks	\$20.00		
Hygiene		\$5.25	\$19.75
Toothpaste	\$2.10		
Bath Soap	\$2.05		
Deodorant	\$0.00		
Razors	\$1.10		
Medical		\$0.00	\$19.75
Naproxen	\$0.00		
Vitamins	\$0.00		
Legal		\$11.22	\$8.53
Photocopies (averaged)	\$3.00		
Mailing (approximation-varies)	\$6.36		
Unstamped Envelopes	\$0.00		
Stamped Envelopes 5 @ \$.60 each	\$1.86		
Recreation		\$7.00	\$1.53
Batteries	\$2.00		
Phone	\$5.00		
Tax		\$1.30	
Total Remaining Balance		\$0.23	

Note: Prison's records show the "Mandatory Savings" that is deducted from inmates' incomes as part of their balances when in fact, the inmates have no access to those funds until they are released from prison, not even to pay the courts.

Therefore, those funds cannot be counted in relation to determining forma pauperis status as the inmate cannot retrieve them for payment purposes unless the Court orders the Wyoming Department of Corrections to use those funds for payment of Court fees.