

IN THE  
**Supreme Court of the United States**

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JONATHAN DOUGLAS RICHARDSON,  
*Petitioner*,

v.

STATE OF NORTH CAROLINA,  
*Respondent*.

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**On Petition for a Writ of Certiorari  
To the Supreme Court of North Carolina**

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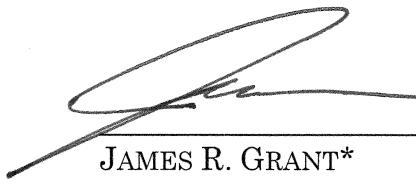
**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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Petitioner, Jonathan Douglas Richardson, by and through his undersigned counsel, asks for leave to file the attached Petition for a Writ of Certiorari to the Supreme Court of North Carolina without repayment of fees and costs, and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court.

Pursuant to N.C. Gen. Stat. § 7A-451, the courts below appointed counsel for Mr. Richardson, who is indigent. The order appointing appellate counsel is attached hereto as Exhibit A.

Respectfully submitted this the 15<sup>th</sup> day of February, 2024.



JAMES R. GRANT\*  
ASSISTANT APPELLATE DEFENDER

KATHRYN L. VANDENBERG  
ASSISTANT APPELLATE DEFENDER

GLENN GERDING  
APPELLATE DEFENDER

OFFICE OF THE APPELLATE DEFENDER  
123 West Main Street, Suite 500  
Durham, North Carolina 27701  
919.354.7210  
james.r.grant@nccourts.org

*\*Counsel of Record*

# EXHIBIT A

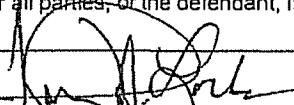
STATE OF NORTH CAROLINA		File No. 10CRS54426	
JOHNSTON	County	Additional File No.(s) 10CRS3981, 10CRS3982, 10CRS54369	
		In The General Court Of Justice <input type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division	
STATE VERSUS		APR 15 2014	
Name Of Defendant JONATHAN DOUGLAS RICHARDSON		APPELLATE DEFENDER	
Date(s) Of Trial 1/6/14-4/3/14		DURHAM, NC	
Codefendant(s) If Tried Jointly		Rules 7, 9, 11, 27; N.C. Rules Of App. Proc.	
Name And Address Of Trial Prosecutor GREG BUTLER/PAUL JACKSON PO BOX 1029 SMITHFIELD NC 27577		Name And Address Of Defendant's Trial Counsel JONATHAN BROUN 123 W. MAIN ST STE 601 DURHAM NC 27701	
Telephone No. (919)209-5520	Email Address tinamac51@embarqmail.com	Telephone No. (919)354-7220	Email Address Jonathan.E.Broun@nccourts.org
Name And Address Of Trial Transcriptionist TINA MCNAIR PO BOX 2233 KINSTON NC 28501 2/24/14-4/3/14 except for days noted below w/Miriam Dutton		Name And Address Of Defendant's Trial Counsel MAITRI "MIKE" KLINKOSUM 133 FAYETTEVILLE ST STE 500 RALEIGH NC 27601	
Telephone No. (919)209-5515	Email Address Miriam.G.Dutton@nccourts.org	Telephone No. (919)833-3114	Email Address Mike.Klinkosum@cheshirepark.com
Name And Address Of Trial Transcriptionist		Name And Address Of Defendant's Appellate Counsel <input checked="" type="checkbox"/> The Appellate Defender (919) 354-7210 123 W. Main St., Suite 500, Durham, NC 27701 NOTE: All indigent appeals are assigned to the Appellate Defender. <input type="checkbox"/> Retained Appellate Counsel	
Telephone No.	Email Address	Telephone No.	Email Address
Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) MIRIAM DUTTON PO BOX 7234 ROCKY MT, NC 27804		Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s) JACKIE WELLS 15 GLEN VALLEY CT. ANGIER NC 27501	
Date(s) 1/6/14-2/19/14, 2/25/14, 2/28/14, 3/13/14	Telephone No. (252)937-7394	Date(s) 1/22/14 FROM 10:15AM-12:45PM	Telephone No. (919)980-0489
Email Address Miriam.G.Dutton@nccourts.org		Email Address jlwells@embarqmail.com	
(Attach additional sheet(s) if necessary)			
<b>JUDGE'S INITIAL APPEAL ENTRIES</b>			
<p>1. <input type="checkbox"/> a. The defendant has given Notice of Appeal to the N.C. Court of Appeals, or  <input checked="" type="checkbox"/> b. This is a capital case appealable as of right to the N.C. Supreme Court.</p> <p>2. Release of the defendant pursuant to G.S. 15A-536 is <input checked="" type="checkbox"/> denied. <input type="checkbox"/> allowed upon execution of a secured bond in the amount of \$ _____ and compliance with the following additional conditions:</p> <p>3. Unless indigent, the defendant shall arrange for the transcription of the proceedings as provided in the Rules of Appellate Procedure.</p> <p>4. (NOTE: Check in all cases where defendant is indigent.) The defendant is indigent and has requested a transcript and the appointment of counsel. It is ORDERED that the defendant is allowed to appeal as an indigent and:</p> <p>a. The Office of Indigent Defense Services shall pay the costs of producing a transcript, and of reproducing the record and the defendant's brief.</p> <p>b. The Appellate Defender is appointed to perfect the defendant's appeal or assign other appellate counsel pursuant to rules issued by the Office of Indigent Defense Services.</p> <p>c. Upon request, the Clerk shall furnish to the Appellate Defender, or to alternate counsel designated by the Appellate Defender, a copy of the complete trial division file in the case and, upon request, any documentary exhibits.</p> <p>d. Unless the parties stipulate that parts of the proceedings shall not be transcribed, the Clerk shall order from the transcriptionist(s) a transcript of all parts of the proceedings except:</p>			

**JUDGE'S INITIAL APPEAL ENTRIES (continued)**

- .5. If a transcript has been ordered, the defendant in a non-capitally tried case shall serve a proposed record on appeal on the State within 35 days after the reporter's or transcriptionist's certification of delivery of the transcript. If a transcript has been ordered, the defendant in a capitally tried case shall serve a proposed record on appeal on the State within 70 days after the reporter's or transcriptionist's certification of delivery of the transcript. If no transcript has been ordered, the defendant shall serve a proposed record on appeal on the State within 35 days after filing notice of appeal.
6. The State shall serve its amendments, objections or proposed alternative record on appeal on the defendant within 30 days if this is a non-capital case or 35 days if this is a capital case, after service upon it of the defendant's proposed record on appeal.
7. The indigent defendant does not read or speak the English language, but reads and/or speaks his or her native language of \_\_\_\_\_. The Court therefore authorizes the services of a language translator or interpreter during the pendency of the appeal for the purposes of (1) written translation of attorney-client correspondence, assignments of error in the settled record on appeal, appellate briefs filed by the defendant and the State, and appellate opinion(s), and/or (2) verbal interpretation of attorney-client communication at each critical stage of the appellate proceedings.

The Court further Orders that a language translator or interpreter with the necessary knowledge, skill, experience, training and education to perform the above services shall be selected and paid by the Administrative Office of the Courts.

8. The Clerk shall deliver a copy of these Appellate Entries to the Appellate Defender, counsel for all parties, or the defendant, if not represented by counsel.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
7 April 2014	HON. THOMAS H. LOCK	

**CLERK'S TRANSCRIPT ORDER AND CERTIFICATE**

(NOTE: To be completed ONLY when defendant is indigent.)

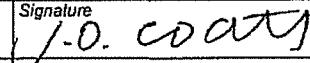
To The Transcriptionist(s) Named On The Reverse:

Prepare and deliver to the parties a transcript of all portions of the proceedings in the above-captioned case except:  
(Specify any portions of the proceedings which need not be transcribed pursuant to a stipulation filed by the parties under Rule 7(a)(2), or pursuant to No. 4.d. on reverse side.)

I certify that I delivered a copy of this Transcript Order to the transcriptionist(s) on the date shown below:

personally.

by mailing it to the transcriptionist(s) at the address(es) shown on the reverse.

Date Clerk's Transcript Order Entered And Filed	Signature
4/17/14	
Date Order Delivered To Transcriptionist(s), If Different	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

**EXTENSION OF TIME TO PREPARE TRANSCRIPT OR SERVE RECORD**

1. **Extension of time to file transcript:** Pursuant to Rule 7, N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, the court finds that this is a criminal case that did not result in a sentence of death and it is ORDERED that the time for preparation of the transcript is extended for 30 days.
2. **Extension of time to serve proposed record on appeal:** Pursuant to Rules 11 and 27, N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, it is ORDERED that the time for service of the proposed record on appeal is extended for 30 days.

**NOTE:** The trial court may grant only one extension of time to serve the proposed record on appeal. Any additional motion for an extension of time to serve the proposed record on appeal must be made to the appellate court where the appeal is to be heard. In a case in which a sentence of death was not entered, the trial court may grant one motion for an extension of time to prepare the transcript. Any subsequent motions for an extension of time to prepare the transcript must be made to the appellate court where the appeal is to be heard. In capitally tried cases that resulted in the imposition of the death penalty, motions for an extension of time to prepare the transcript must be made directly to the Supreme Court. Rules 7 and 27, N.C. Rules of Appellate Procedure.

Date	Name Of Judge (Type Or Print)	Signature Of Judge

**CERTIFICATION**

I certify this Appellate Entries form is a true and complete copy of the original on file in this case.

Date	Signature And Seal	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Assistant CSC

Material opposite unmarked squares is to be disregarded as surplusage.

No. \_\_\_\_\_

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**Supreme Court of the United States**

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JONATHAN DOUGLAS RICHARDSON,  
*Petitioner,*

v.

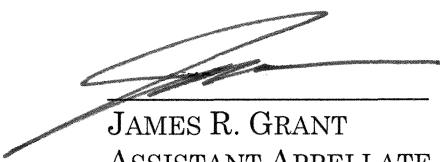
STATE OF NORTH CAROLINA,  
*Respondent.*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion was served upon Ms. Teresa Postell, Special Deputy Attorney General, North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602, by first-class mail, postage prepaid, and was electronically served upon the same at [tpostell@ncdoj.gov](mailto:tpostell@ncdoj.gov).

This the 15<sup>th</sup> day of February, 2024.



JAMES R. GRANT  
ASSISTANT APPELLATE DEFENDER  
OFFICE OF THE APPELLATE DEFENDER  
123 West Main Street, Suite 500  
Durham, North Carolina 27701  
919.354.7210  
[james.r.grant@nccourts.org](mailto:james.r.grant@nccourts.org)

*Counsel of Record for Petitioner*