

No-
In The
SUPREME COURT OF THE UNITED STATES

TASHA MERCEDEZ SHELBY,
Petitioner,

V

STATE OF MISSISSIPPI,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner Tasha Mercedez Shelby moves under Supreme Court Rule 39.1 for leave to file her Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis*. Petitioner is an indigent person incarcerated at the Central Mississippi Correctional Facility. She has been so confined since 2000. Ms. Shelby was represented by pro bono counsel Valena Beety in her state post-conviction proceedings and now also by the undersigned pro bono counsel in this Court. Petitioner attaches her U.S. Supreme Court signed Affidavit or Declaration In Support of Motion for Leave to Proceed *In Forma Pauperis*.

As required by Supreme Court Rule 39.1, a copy of the January 16, 2019 Order by the Circuit Court of Harrison County, Mississippi, granting leave to Petitioner to appeal *in forma pauperis* is attached.

Also attached is her Motion for Leave to Appeal in forma Pauperis to the Circuit Court of Harrison County filed in January 14, 2019.

For the foregoing reasons, Petitioner's motion for leave to proceed in forma pauperis should be granted.



Alan B. Morrison
(Counsel of Record)
George Washington University
Law School
2000 H Street NW
Washington D.C. 20052
202 994 7120
abmorrison@law.gwu.edu

March 7, 2024

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

I, Tasha Mercedes Shelby, 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>0</u>	\$ <u>N/A</u>	\$ <u>8</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>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</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
Administrative Worker	3794 MS Hwy 468 Unit 720 Pearl, MS 39228	2019-2024 current	\$ 0 \$ 0 \$ 0

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
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

4. How much cash do you and your spouse have? \$ 0
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
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0
N/A	\$ 0	\$ 0

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

■ Home
Value 0

■ Other real estate
Value 0

■ Motor Vehicle #1
Year, make & model N/A
Value 0

■ Motor Vehicle #2
Year, make & model N/A
Value 0

■ Other assets
Description N/A
Value 0

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
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>

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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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) Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ <u>0</u>	\$ <u>N/A</u>
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>0</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>N/A</u>

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

If yes, how much? _____

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

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? _____

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

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

for the past 26 1/2 years I have been incarcerated. However, in the past month the Mississippi Department of Corrections has started paying some of us that work. I receive 5\$ an hour for my work & contribution to my current community. So I have 18.00 a month now.

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

Executed on: February 6, 2024

Ashe Mercedes Shelby
(Signature)

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

TASHA MERCEDEZ SHELBY

PLAINTIFF

VERSUS

CAUSE NO.: 16-CV-00114

TRIAL NO.: B-2402-98-041

STATE OF MISSISSIPPI

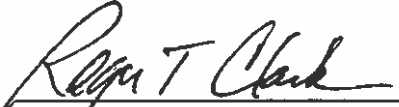
DEFENDANT

ORDER

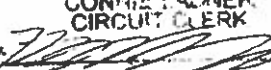
Pending is the Plaintiff's Motion for Leave to Appeal In Forma Pauperis. The Court GRANTS the motion and allows Plaintiff to proceed In Forma Pauperis.

The Court directs the Clerk to send a copy of this Order to counsel of record, and to the Supreme Court of Mississippi.

SO ORDERED AND ADJUDGED this the 16 day of January 2019.



ROGER T. CLARK CIRCUIT
COURT JUDGE

FILED
JAN 16 2019
CONFIDENTIAL
CIRCUIT CLERK
BY:  D.C.

Prepared By: Valena Beety,
Counsel for Tasha Mercedes
Shelby

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

TASHA MERCEDEZ SHELBY

PLAINTIFF

VERSUS

CAUSE NO.: 16-CV-00114

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STATE OF MISSISSIPPI

DEFENDANT

MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

Comes now Tasha Mercedes Shelby, by and through her attorney of record, and files this Motion for Leave to Appeal In Forma Pauperis, and in support thereof, would show the following:

Ms. Shelby is incarcerated by the Mississippi Department of Corrections and housed at Central Mississippi Correctional Center ("CMCF") in Pearl, Mississippi. Ms. Shelby has been incarcerated at CMCF since 2000. Ms. Shelby is indigent.

Ms. Shelby has completed an Affidavit of Indigency, filed concurrent with this Motion, which attests to her indigency and her incarceration at Central Mississippi Correctional Facility.

Wherefore, Ms. Shelby respectfully requests this honorable court to grant this motion and allow her to appeal in forma pauperis.

Respectfully submitted, this 14th of January, 2019.

TASHA MERCEDEZ SHELBY

By: /s/ Valena Beety
VALENA BEETY

Attorney for Appellant
Director, West Virginia Innocence Project
West Virginia University College of Law
P.O. BOX 6130
Morgantown, WV 26506
MS BAR NO.: 103502

CERTIFICATE OF SERVICE

I, VALENA BEETY, do hereby certify that I electronically filed the above and foregoing *Motion for Leave to Appeal In Forma Pauperis* only with the Clerk of the Court utilizing the MEC filing system, which provides notification of said filing to the following:

Assistant District Attorney Beth McFadyen
Harrison County Office of the District Attorney – Judicial District 2
730 Dr. Martin Luther King Jr. Blvd.
Biloxi, MS 39533

SO CERTIFIED on this the 14th day of January, 2019.

/s/ Valena Beety
VALENA BEETY

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

TASHA MERCEDEZ SHELBY

PLAINTIFF

VERSUS

CAUSE NO.: 16-CV-00114

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STATE OF MISSISSIPPI

DEFENDANT

AFFIDAVIT OF INDIGENCY

Personally appeared before me the undersigned authority for the aforesaid jurisdiction, Tasha Mercedes Shelby, who, being duly sworn on oath, does depose and say that she is seeking this appeal in good faith and upon reasonable grounds as she believes; that she is indigent, wholly without funds to pay for this appeal; and that she is incarcerated at Central Mississippi Correctional Facility in Pearl, Mississippi.

This affidavit is made pursuant to Mississippi Law.

RESPECTFULLY SUBMITTED,

Tasha Mercedes Shelby
Tasha Mercedes Shelby

Dated: January 7, 2019
Sworn to before me this 7 day of January 2019

Tanya Berry
Notary Public, State of Mississippi



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

TASHA MERCEDEZ SHELBY

PLAINTIFF

VERSUS

CAUSE NO.: 16-CV-00114

TRIAL NO.: B-2402-98-041

STATE OF MISSISSIPPI

DEFENDANT

ORDER

Pending is the Plaintiff's Motion for Leave to Appeal In Forma Pauperis. The Court GRANTS the motion and allows Plaintiff to proceed In Forma Pauperis.

The Court directs the Clerk to send a copy of this Order to counsel of record, and to the Supreme Court of Mississippi.

SO ORDERED AND ADJUDGED this the ___ day of _____ 2019.

ROGER T. CLARK
CIRCUIT COURT JUDGE

Prepared By: Valena Beety, Counsel for Tasha Mercedes Shelby