

No. 23-

IN THE SUPREME COURT OF THE UNITED STATES

STEVEN ANTONIUS, AKA SEALED DEFENDANT 1,
ARGEMIRO ZAPATA-CASTRO, AKA SEALED
DEFENDANT 1, Petitioners,

v.

UNITED STATES OF AMERICA,
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioners Steven Antonius, AKA Sealed Defendant 1, and Argemiro Zapata-Castro, AKA Sealed Defendant 1, respectfully request leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

On November 30, 2018, the United States District Court for the Southern District of New York found Petitioner Antonius indigent and appointed Jill R. Shellow, Esquire, counsel of record before this Court, pursuant to the Criminal Justice Act of 1964, as amended, 18 U.S.C. § 3006A (“CJA”). *See United States v. Gonzalez, et al.*, No. 18-CR-601 (PGG), Minute Entry, Nov. 30, 2018. Pursuant to the Second Circuit Court of Appeals Local Rule 4.1(a), Ms. Shellow’s CJA appointment was

continued for prosecuting Mr. Antonius' appeal in the Court of Appeals.

See also Fed. R. App 24(a)(3); United States Court of Appeals for the Second Circuit Criminal Justice Act Plan, Sec. III(A) (Mar. 9, 2022).

On November 30, 2018, the United States District Court for the Southern District of New York found Petitioner Zapata Castro indigent and appointed counsel pursuant to the CJA. *See United States v.*

Gonzalez, et al., No. 18 CR 601 (PGG), Minute Entry, Nov. 30, 2018.

On October 15, 2021, the Second Circuit Court of Appeals appointed

Peter J. Tomao, Esquire as successor CJA counsel for Mr. Zapata

Castro to prosecute Mr. Zapata-Castro's appeal in the Court of Appeals.

A copy of the Notice of Appointment of CJA Counsel and Order of the

Court of Appeals are attached.

WHEREFORE, Petitioners move this Court for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Dated: White Plains, New York
March 11, 2024

Respectfully Submitted,

s/ JILL R. SHELL

Jill R. Shellow, Esq.
Counsel of Record
CJA Counsel for Steven Antonius
Law Offices of Jill R. Shellow PLLC
15 Chester Avenue
White Plains, NY 10601
(212) 792-4911
jrs@shellowlaw.com

Peter J. Tomao, Esq.
CJA Counsel for Argemiro Zapata-Castro
600 Old Country Road, Suite 328
Garden City, NY 11530

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

Date: October 15, 2021

Docket #: 21-2082

Short Title: United States of America v. Gonzalez (Zapata-Castro)

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 1:18-cr-601-10

DC Court: SDNY (NEW YORK
CITY)

DC Judge: Gardephe

NOTICE of the APPOINTMENT of CJA COUNSEL

This Court has appointed counsel to represent you in your appeal pursuant to the Criminal Justice Act. Appointed counsel is:

Name: Peter J. Tomao

Firm: Law Office of Peter J. Tomao

Address: 600 Old Country Road, Suite 328 Garden City, NY 111530

Phone No: (516) 877-7015

Please see the enclosed copy of this court's order of appointment.

Please direct all future correspondence and other communications to your appointed counsel.

Inquiries regarding this case may be directed to 212-857-8503.

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15th day of October, two thousand twenty-one.

United States of America,

Appellee,

v.

Steven Antonius, Shervington Lovell,
Argemiro Zapata-Castro,

Defendants-Appellants.

ORDER

Docket Nos. 21-1083(L), 21-1409(Con),
21-2082(Con)

Scott B. Tulman moves to be relieved as counsel and for appointment of CJA counsel for Appellant Argemiro Zapata-Castro.

IT IS HEREBY ORDERED that the motion is GRANTED. Peter J. Tomao, Esq., Law Office of Peter J. Tomao, 600 Old Country Road, Suite 328, Garden City, NY 11530, is assigned as new counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. Attorney Tomao is directed to review Local Rule 31.2 regarding procedures for setting the filing dates for the submission of briefs.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A circular seal of the United States Court of Appeals for the Second Circuit is positioned over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".