

No.

In the Supreme Court of the United States

LUIS ALEXIS BRICENO,

Petitioner-Applicant

vs.

STATE OF TENNESSEE,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE TENNESSEE COURT OF CRIMINAL APPEALS

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Luis Briceno, by and through counsel, pursuant to Supreme Court Rule 39, hereby requests leave of this Court to proceed *in forma pauperis* in connection with the attached Petition for Writ of Certiorari. Mr. Briceno was found indigent by the Criminal Court, Division I, of Knox County, Tennessee. The Knox County Public Defender's Office was appointed to represent him pursuant to T.C.A. § 40-14-103. Mr. Briceno was found to be indigent by the Tennessee Court of Criminal Appeals and given leave to proceed *in forma pauperis*. Undersigned counsel represented Mr. Briceno *pro bono* on direct appeal. A copy of the trial court's order of appointment and

the Court of Criminal Appeals' judgment taxing the costs of the appeal to the State of Tennessee are attached.

Respectfully submitted,

s/ Tyler M. Caviness

TYLER M. CAVINESS

THE LAW OFFICE OF TYLER M. CAVINESS

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COUNSEL FOR PETITIONER

IN THE CRIMINAL COURT FOR KNOX COUNTY

APR 16 2009

STATE OF TENNESSEE

CASE NO.

11.51 60

By Mike Hammond, Clerk

VS
Luis Alexis Briceño, Alias
 DEFENDANT

ORDER OF APPOINTING LEGAL COUNSEL

It appearing, based upon the affidavit of indigency filed in this cause, and after due inquiry made, that the defendant is an indigent person and thereby qualifies for appointed legal counsel.

It is, therefore, ordered that (the District Public Defender)
(_____), Attorney at Law) is hereby
appointed as counsel for the defendant as provided by law.

In accordance with T.C.A. 40-14-103(b) the defendant is assessed a Court-Appointed Administrative Fee in the amount of \$50.00 which shall be paid into the Criminal Court Clerk's Office within two (2) weeks of this date. The Clerk shall receive a commission of five percent (5%) for collecting and disbursing said payments.

In accordance with T.C.A. 40-14-103(b) the Court finds that the defendant lacks financial resources sufficient to pay the Court-Appointed Counsel Administrative Fee.

The Court having previously assessed the Court-Appointed Counsel Administrative Fee in a pending case, said fee is hereby waived as to this appointment.

This 16th day of April, 2019

Robert M. Yeas
JUDGE

APR 16 2009

By Mike Hammond, Clerk

IN THE CRIMINAL COURT FOR KNOX COUNTY

STATE OF TENNESSEE

CASE NOS. (S)

VS. CASE NOS.
Luis Alexis Briceno alias
efendant

UNIFORM AFFIDAVIT OF INDIGENCY

Comes the defendant and, subject to the penalty of perjury, makes oath to the following acts (please list, circle, complete, etc.):

1. Full Name: Luis Alexis Bricena

2. Any other names ever used: _____

3. Address: 1380 Woodridge Drive

4. Telephone Nos.: (Home) (865) 443-2756 (Work) (Other)

5. Are you working anywhere? Yes (✓) No () Where? Calhouns

6. How much do you make? \$12.00/hr (weekly, monthly, etc.) 7. Birthdate: 09/28/1995

8. Do you receive any governmental assistance or pensions (disability, SSI, AFDC, etc.)?

Yes () No (✓) What is its value? (weekly, monthly, etc.)

9. Do you own any property (house, car, bank acct., etc): Yes (☒) No (☐) What is its value? 3,000

Q. Are you, or your family, going to be able to post your bond? Yes () No (X)

Are you, or your family, going to hire a private attorney? Yes () No (X) .

2. Are you now in custody? Yes () No (/) If so, how long have you been in custody?

(If the defendant is in custody, unable to make bond and the answers to questions one (1) through eleven (11) make it clear that the defendant has no resources to hire a private attorney, skip Part II and complete Part III. If Part II is to be completed, do not list items already listed in Part I.)

PART II

3. Names & ages of all dependants: _____ relationship _____

relationship

relationship

4. I have met with following lawyer(s), have attempted to hire said lawyer(s) to represent me, and have been unable to do so;

Name _____

Address .

5. All my income from all sources (including, but not limited to wages, interest, gifts, AFDC, SSI, social security, retirement, disability, pension, unemployment, alimony, worker's compensation, etc):

1400 per Month from Calhouns

\$ _____ per _____ from _____

\$ _____ per _____ from _____

All money available to me from any source:

Cash	
------	--

B: Checking, Saving, or CD Account(s) - give bank, acct. no., balance.

C: Debts owed me

D: Credit Card(s) - give acct. no., balance, credit limit, and type (Visa, Mastercard, American Express, etc.) _____

E. Other _____

17. All vehicles/vessels owned by me, solely or jointly, within the last six months (including but not limited to cars, trucks, motorcycles, farm equip., boats, etc.)

2000 Infiniti Qx4 value \$ 500 amt. owed _____
2004 Jaguar X-type value \$ 3,000 amt. owed 2,500
value \$ _____ amt. owed _____

18. All real estate owned by me, solely or jointly, within the last six months (including land, lots, houses, mobile homes, etc.):

value \$ _____ amt. owed _____
value \$ _____ amt. owed _____

19. All assets or property not already listed owned within the last six months or expected in the future:

value \$ _____ amt. owed _____
value \$ _____ amt. owed _____

20. The last income tax return I filed was for the year 2016 and it reflected a net income of \$ 16,700. I will file a copy of same within one week if required.

21. I am out of jail on bond of \$ _____ made by _____
The money to make bond, \$ _____ was paid by _____

PART III

22. Acknowledging that I am still under oath, I certify that I have listed in Parts I and II all assets in which I hold or expect to hold any legal or equitable interest.

23. I am financially unable to obtain the assistance of a lawyer and request the Court to appoint a lawyer for me.

24. I understand that it is a Class A Misdemeanor for which I can be sentenced to jail for up to 11 months 29 days or be fined up to \$2500.00 or both if I intentionally or knowingly misrepresent, falsify, or withhold any information required in this affidavit. I also understand that I may be required by the Court to produce other information in support of my request for an attorney.

This 16th day of April, 2019. Y Luis Briceño
Defendant

Sworn to and Subscribed before me. This 19 day of April, 2019.

C. Minter
Deputy Clerk

Boerum J.
Judge

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

March 28, 2023 Session

FILED

NOV 21 2023

STATE OF TENNESSEE v. LUIS ALEXIS BRICENO

By Mike Hammond, Clerk

Appeal from the Criminal Court for Knox County
No. 115160 Steven Wayne Sword, Judge

No. E2022-00414-CCA-R3-CD

FILED

JUL 11 2023

Clerk of the Appellate Courts
Rec'd By *RIC*

JUDGMENT

Came the Defendant, Luis Alexis Briceno, by and through counsel, and the State of Tennessee, by the Attorney General, and this cause was heard on oral argument and the record on appeal from the Criminal Court for Knox County; and upon consideration thereof, this Court is of the opinion that there is no error in the judgment of the trial court.

It is, therefore, ordered and adjudged by this Court that the judgment of the trial court is affirmed, and the case is remanded to the Criminal Court for Knox County for execution of the judgment of that court and for collection of costs accrued below.

It appearing that Defendant, Luis Alexis Briceno, is indigent, the costs will be paid by the State of Tennessee.

Jill Bartee Ayers, Judge
James Curwood Witt, Jr., Presiding Judge
Kristi M. Davis, Judge

I, James M. Hivner, Clerk, hereby certify that
this is a true and exact copy of the original

judgment
This *17th* day of *Nov*, 20*23*

CLERK OF COURT

By: *Rebecca A. Royal* D.C.

CERTIFIED TRUE COPY
MIKE HAMMOND, CLERK
CRIMINAL COURT
KNOX COUNTY, TN
BY: *21*
DEPUTY CLERK