

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  
932 W FOREST BOULEVARD  
KNOXVILLE, TN 37909  
PHONE: (865) 936-9499  
FAX: (865) 936-9015  
EMAIL: [TYLER@CAVINESSLAWFIRM.COM](mailto:TYLER@CAVINESSLAWFIRM.COM)  
*COUNSEL FOR PETITIONER*

(MD)

IN THE CRIMINAL COURT FOR KNOX COUNTY

FILED

APR 16 2010

STATE OF TENNESSEE

VS

*Luis Alexis Briones, alias*

DEFENDANT

CASE NO.

115160

By Mike Hammond, Clerk

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 16<sup>th</sup> day of April, 20 19.

*Bob McLean*

JUDGE

FILED

APR 16 2010

IN THE CRIMINAL COURT FOR KNOX COUNTY

By Mike Hammond, Clerk

STATE OF TENNESSEE

vs.  
Luis Alexis Briceno, alias  
defendant

CASE NOS. (s)

115160

UNIFORM AFFIDAVIT OF INDIGENCE

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

PART I

1. Full Name: Luis Alexis Briceno

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? 3000

10. Are you, or your family, going to be able to post your bond? Yes  No

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

12. 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

13. Names & ages of all dependents: \_\_\_\_\_ relationship \_\_\_\_\_

\_\_\_\_\_ relationship \_\_\_\_\_

\_\_\_\_\_ relationship \_\_\_\_\_

14. 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 \_\_\_\_\_

15. 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:

A: 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. X Luis Briceño  
Defendant

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

C. Martin

Deputy Clerk

Bolvar M. H.

Judge

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT KNOXVILLE  
March 28, 2023 Session

FILED

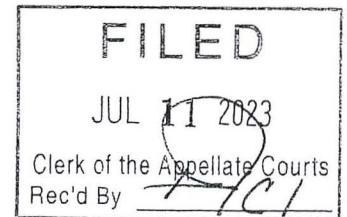
NOV 21 2023

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



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

filed in the cause.

This 17<sup>th</sup> day of NOV, 20<sup>23</sup>

CLERK OF COURT

By: Rebecca L. Royal D.C.

CERTIFIED TRUE COPY  
MIKE HAMMOND, CLERK  
CRIMINAL COURT  
KNOX COUNTY, TN  
BY: 201  
DEPUTY CLERK