
IN THE

SUPREME COURT OF THE UNITED STATES

RUSSELL WILLIAM TUCKER
Petitioner,

v.

STATE OF NORTH CAROLINA
Respondent.


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

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Russell William Tucker, 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 state courts appointed counsel for Mr. Tucker, who is indigent. The order appointing counsel is attached hereto as Exhibit A.

Respectfully submitted, this the 13th day of May 2024.



Gretchen M. Engel
Executive Director
Center for Death Penalty Litigation
3326 Durham-Chapel Hill Blvd.
Bldg. D, Suite 201
Durham, North Carolina 27707
(919) 956-9545
gretchen@cdpl.org

Counsel of Record

EXHIBIT A

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

Forsyth County

File No.

94CRS40462-65

Additional File Nos.

In The General Court Of Justice
Superior Court Division

Name Of Defendant

Russell William Tucker

Social Security No.

☐

Has No Social Security No.

NOTE: The Office of Indigent Defense Services completes this form.

**ASSIGNMENT OF COUNSEL
BY OFFICE OF INDIGENT DEFENSE SERVICES
IN CAPITAL CASES AT THE POST-CONVICTION LEVEL**

G.S. 7A-451(c), (d); 7A-452

I. POST-CONVICTION APPOINTMENTS

NOTE: This section is to be used when the defendant has been sentenced to death, and the conviction and sentence have been affirmed on direct appeal by the Supreme Court of North Carolina or the defendant is filing a post-conviction motion pending resolution of his or her direct appeal. The IDS Office will not use this form to appoint counsel for direct appeal of a sentence of death; in such cases, the Court uses AOC-CR-350 to appoint the Office of Appellate Defender. See IDS Rules for Providing Legal Representation in Capital Cases, Part 2B, 2B.2.

The Court having determined that the defendant is under a sentence of death, is indigent, and has requested counsel, the IDS Director appoints the two attorneys named below to represent the defendant in preparing, filing, and litigating a motion for appropriate relief.

Attorney 1

Name Gretchen Engel

Telephone 919-956-9545

Address Center for Death Penalty Litigation

Fax

3326 Durham-Chapel Hill Blvd., D-201

Email gretchen@cdpl.org

Durham, NC 27707

Attorney 2

Name Elizabeth Hambourger

Telephone 919-929-8800

Address Dispute Settlement Center

Fax

302 W. Weaver St.

Email elizabeth@disputesettlement.org

Carrboro, NC 27510

II. NOTIFICATION

The Office of Indigent Defense Services has provided a copy of this assignment of counsel order to the Clerk of Superior Court where the defendant's trial took place, the District Attorney, the Attorney General, the appointed attorneys, and the defendant.

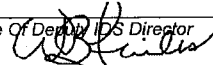
Date

12/11/2023

Name Of Deputy IDS Director

Whitney B. Fairbanks

Signature Of Deputy IDS Director



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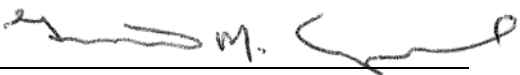
v.

STATE OF NORTH CAROLINA
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served electronically upon Special Deputy Attorney General Danielle Marquis Elder, 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 dmarquis@ncdoj.gov.

This the 13th day of May 2024.



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