

No:___

**IN THE
SUPREME COURT OF THE UNITED STATES**

EVERETT GLENN MILLER,

Petitioner,

v.

FLORIDA,

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE
FLORIDA SUPREME COURT**

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave, pursuant to Rule 39, to proceed *in forma pauperis*.

Petitioner has previously been found indigent by the Circuit Court, Ninth Judicial Circuit, in and for Osceola County, Florida. That court's order declaring defendant indigent is attached. (Appendix A)

Petitioner's Affidavit of Insolvency for Purpose of Appeal and the Order Appointing the Public Defender's Office for the Purpose of Appeal is attached hereto. (Appendix B)

The petitioner has been incarcerated without interruption since the charges were first brought.

MATTHEW J. METZ
PUBLIC DEFENDER
SEVENTH JUDICIAL CIRCUIT OF
FLORIDA

/s/ *Nancy Ryan*

NANCY RYAN
Counsel of Record
Assistant Public Defender
Florida Bar No. 0765910
444 Seabreeze Blvd., Suite 210
Daytona Beach, FL 32118
(386) 254-3758
ryan.nancy@pd7.org

*MEMBER OF THE UNITED
STATES SUPREME COURT BAR

/s/ *George D. E. Burden*

GEORGE D.E. BURDEN
Assistant Public Defender
Florida Bar. No. 0786438

APPENDIX A

FILED IN OFFICE
CLERK OF COURT
OSCEOLA COUNTY, FL

2017 SEP 18 P 3:41

STATE OF FLORIDA or
Vs.

IN THE CIRCUIT/COUNTY COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
OSCEOLA COUNTY, FLORIDA

CASE NO: 2017 CF 002906

EVERETT GLENN MILLER
Defendant

DETERMINATION OF INDIGENCY

After review of the defendant's Affidavit of Indigent Status, the Clerk finds the Defendant not indigent due to the following reason(s):

- ☐ Defendant's income is equal to or above the current federal poverty guidelines.
- ☒ Defendant did not complete the Affidavit of Indigent Status in its entirety.
- ☐ Defendant owns, or has equity in, any intangible or tangible personal property or Real property or the expectancy of an interest in any such property.
- ☐ Other: _____

SW

Indigency Clerk

Deputy Clerk 9/14/2017
Date

FINAL RULING OF THE COURT (Section 27.52, F.S.)

Based on the above determination, the Court finds the following:

- ☐ The Court concurs with the Clerk and the Public Defender/Conflict Attorney is Hereby withdrawn.
- ☒ The Court overrules the Clerk and the Public Defender/Conflict Attorney is to remain.

DONE AND ORDERED in Kissimmee, Osceola County, Florida, this 18 day of Sept, 2017.

[Signature]
Circuit / County Judge

Copies:
D/P/C
PD
DJJ

File in Open Court this _____
Day of _____, 2017
Armando Ramirez, Clerk of Court
By: _____, D.C.

STATE OF FLORIDA vs.

Defendant/Minor Child

CASE NO. 2017-CF-2906

APPLICATION FOR CRIMINAL INDIGENT STATUS

☒ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER OR

☐ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)

2. I have a take home income of \$ 0 paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)

3. I have other income paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No.")

Social Security benefits..... Yes \$ <u>NO</u>	Veterans' benefit..... Yes \$ <u>NO</u>
Unemployment compensation..... Yes \$ <u>NO</u>	Child support or other regular support from family members/spouse..... Yes \$ <u>NO</u>
Union funds..... Yes \$ <u>NO</u>	Rental income..... Yes \$ <u>NO</u>
Workers compensation..... Yes \$ <u>NO</u>	Dividends or interest..... Yes \$ <u>NO</u>
Retirement/pensions..... Yes \$ <u>NO</u>	Other kinds of income not on the list..... Yes \$ <u>1700</u> No <u>-How often??</u>
Trusts or gifts..... Yes \$ <u>NO</u>	

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")

Cash..... Yes \$ <u>NO</u>	Savings..... Yes \$ <u>NO</u>
Bank account(s)..... Yes \$ <u>NO</u>	Stocks/bonds..... Yes \$ <u>NO</u>
Certificates of deposit or money market accounts..... Yes \$ <u>NO</u>	*Equity in homestead real estate..... Yes \$ <u>NO</u>
*Equity in motor vehicles..... <u>NO CAR</u>	*Equity in non-homestead real estate..... Yes \$ <u>NO</u>
*Equity in boats/other tangible property..... Yes \$ <u>NO</u>	*include expectancy of an interest in such property

5. I have a total amount of liabilities and debts in the amount of \$ 10,000

6. I receive: (Circle "Yes" or "No.")

Temporary Assistance for Needy Families-Cash Assistance... Yes <u>NO</u>	Supplemental Security Income (SSI)..... <u>1600</u> Yes <u>NO</u>
Poverty-related veterans' benefits..... Yes <u>NO</u>	

7. I have been released on bail in the amount of \$ _____ Cash _____ Surety _____ Posted by: Self _____ Family _____ Other _____

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate.

9/8/17

Signed on

10-5-71

Date of Birth

Last four digits of Driver's License or ID Number

[Signature]
Signature of applicant for indigent status

Print full legal name: _____

Address: _____

City, State, Zip: TBD

Phone number: _____

E-mail

Address: _____

CLERK DETERMINATION

Based on the information in this Application, I have determined the applicant to be ☐ Indigent ☒ Not Indigent

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 13th day of Sept, 2017

Clerk of the Circuit Court, by Deputy Clerk

This form was completed with the assistance of:

[Signature]
Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent [Signature]

APPENDIX B

EVERETT GLENN MILLER vs. STATE OF FLORIDA
LT. CASE NO: 2017 CF 002906
HT. CASE NO: SC22-745

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR OSCEOLA COUNTY, FLORIDA
CRIMINAL CASE NO: CF 2017-2906

STATE OF FLORIDA
Plaintiff

FOR APPEAL PURPOSES

VS,

Everett Glenn Miller
Defendant

AFFIDAVIT OF INSOLVENCY

PERSONALLY APPEARED before me the above-named defendant, affiant herein, who being duly sworn by me, deposes and says, under oath: that he is insolvent and unable to pay the charges, costs or fees in this cause either in whole or in part; that he has no property or other means of payment either in his possession or under his control and that he has not divested himself of any property, either real or personal, for the purpose of receiving benefit from this oath, that he, at this time is without funds and unless this Court makes and enters an Order adjudging him, this defendant, insolvent, he will be deprived of his rights under the law in such cases made and provided. This affiant offers himself up to the Court, now or at such future time as the Court may see fit, for the purpose of further examination into his insolvency.

Affiant further says that he has been informed that a lien, for the value of the services rendered him by the Public Defender, may be filed and impressed by law on any property he now has, or may hereafter have, within or without the State of Florida, and he hereby waives notice of any proceeding at which the costs or value of the services of the Public Defender, as aforesaid, may be determined, and further waives any notice of the filing of the aforesaid lien at any time.

EWG Miller
SIGNATURE OF AFFIANT

Sworn to and subscribed before me

This, the 13 day of may, 2022

KELVIN SOTO, ESQ., CLERK OF COURT

AND COUNTY COMPTROLLER

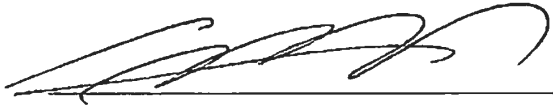
BY: dh
DEPUTY CLERK

Filed in open Court this
13 day of may
A.D. 2022
KELVIN SOTO, ESQ., CLERK OF THE
CIRCUIT COURT & COUNTY COMPTROLLER
By dh D.C.

ORDER

Based on the foregoing Affidavit, the above-named defendant is hereby adjudged insolvent and the Public Defender of the Ninth Judicial Circuit, in and for Osceola County, Florida, is hereby appointed as counsel to represent the defendant in defense of the charges alleged in the above-numbered information.

DONE and ORDERED in Osceola County Courthouse, Kissimmee, Florida this 13 day of May 2022



Judge of Circuit Court

Greg A. Tyman