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No. 23-7798

FILED  
APR 29 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

EVAN C. WILHELM — PETITIONER  
(Your Name)

VS.

THE STATE OF FLORIDA — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Eleventh Circuit Court of Appeals

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_, or

☐ a copy of the order of appointment is appended.

[Signature]  
(Signature)

RECEIVED  
JUN 14 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, EVAN C. WILHELM, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>300</u>	\$ <u>N/A</u>	\$ <u>300</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	\$ <u>300</u>	\$ <u>N/A</u>	\$ <u>300</u>	\$ <u>N/A</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ N/A  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$ N/A	\$ N/A

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home  
Value N/A

☐ Other real estate  
Value N/A

☐ Motor Vehicle #1  
Year, make & model N/A  
Value N/A

☐ Motor Vehicle #2  
Year, make & model N/A  
Value N/A

☐ Other assets  
Description N/A  
Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

**Person owing you or your spouse money**

**Amount owed to you**

**Amount owed to your spouse**

N/A

\$ N/A

\$ N/A

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

**Name**

**Relationship**

**Age**

N/A

N/A

N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

**You**

**Your spouse**

Rent or home-mortgage payment  
(include lot rented for mobile home)

\$ N/A

\$ N/A

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)

\$ N/A

\$ N/A

Home maintenance (repairs and upkeep)

\$ N/A

\$ N/A

Food

\$ N/A

\$ N/A

Clothing

\$ N/A

\$ N/A

Laundry and dry-cleaning

\$ N/A

\$ N/A

Medical and dental expenses

\$ N/A

\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ <u>N/A</u>	\$ <u>N/A</u>
Health	\$ <u>N/A</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<b>Total monthly expenses:</b>	\$ <u>N/A</u>	\$ <u>N/A</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes

☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes

☒ No

If yes, how much? N/A

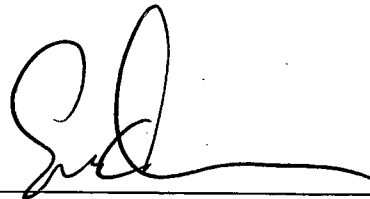
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am presently incarcerated in the Florida Department of Corrections, and my only income is \$30/month for food and hygiene products that I receive from my retired mother for use in the inmate canteen.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 1, 2024



(Signature)

FLORIDA DEPARTMENT OF CORRECTIONS  
TRUST FUND ACCOUNT STATEMENT  
FOR: 01/14/2022 - 07/14/2022

07/14/22  
14:09:34  
PAGE 1

ACCT NAME: WILHELM, EVAN C.  
BED: I2132S  
PO BOX:

ACCT#: N25549  
TYPE: INMATE TRUST

BEGINNING BALANCE 01/14/22

\$243.94

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
01/16/22	047	CANTEEN SALES	21620220115	000		-	\$57.21	\$186.73
01/17/22	047	CANTEEN SALES	21620220116	000		-	\$18.11	\$168.62
01/17/22	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.75	\$167.87
01/22/22	049	CANTEEN SALES	21620220121	000		-	\$19.65	\$148.22
01/23/22	049	CANTEEN SALES	21620220122	000		-	\$27.89	\$120.33
01/24/22	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.48	\$119.85
01/25/22	049	CANTEEN SALES	21620220124	000		-	\$26.03	\$93.82
01/29/22	148	JPAY MEDIA W/D	000122372842	000		-	\$15.00	\$78.82
01/31/22	049	CANTEEN SALES	21620220130	000		-	\$59.72	\$19.10
01/31/22	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.86	\$18.24
02/01/22	049	CANTEEN SALES	21620220131	000		-	\$15.23	\$3.01
02/02/22	232	JPAY DEPOSIT	139628945	000	WILHELM, BRENDA DARL	+	\$300.00	\$303.01
02/07/22	045	CANTEEN SALES	21620220206	000		-	\$53.10	\$249.91
02/07/22	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.68	\$249.23
02/12/22	150	PASSOVER ORDER	2216	000		-	\$94.08	\$155.15
02/15/22	049	CANTEEN SALES	21620220214	000		-	\$37.59	\$117.56
02/15/22	226	ACCESS CATALOG	2216	000		-	\$23.51	\$94.05
02/17/22	172	JPAY DEPOSIT	140157996	000	WILHELM, BRENDA DARL	+	\$300.00	\$394.05
02/19/22	049	CANTEEN SALES	21620220218	000		-	\$41.62	\$352.43
02/21/22	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.79	\$351.64
02/24/22	049	CANTEEN SALES	21620220223	000		-	\$36.25	\$315.39
02/28/22	129	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.36	\$315.03
03/01/22	047	CANTEEN SALES	21620220228	000		-	\$29.20	\$285.83
03/05/22	049	CANTEEN SALES	21620220304	000		-	\$27.59	\$258.24
03/07/22	049	CANTEEN SALES	21620220306	000		-	\$18.98	\$239.26
03/07/22	129	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.76	\$238.50
03/08/22	049	CANTEEN SALES	21620220307	000		-	\$20.95	\$217.55
03/11/22	047	CANTEEN SALES	21620220310	000		-	\$5.11	\$212.44
03/12/22	047	CANTEEN SALES	21620220311	000		-	\$32.92	\$179.52
03/14/22	047	CANTEEN SALES	21620220313	000		-	\$13.11	\$166.41
03/14/22	131	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.72	\$165.69
03/17/22	047	CANTEEN SALES	21620220316	000		-	\$39.91	\$125.78
03/19/22	049	CANTEEN SALES	21620220318	000		-	\$19.40	\$106.38
03/20/22	049	CANTEEN SALES	21620220319	000		-	\$10.14	\$96.24
03/21/22	129	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.69	\$95.55
03/24/22	049	CANTEEN SALES	21620220323	000		-	\$7.06	\$88.49
03/26/22	049	CANTEEN SALES	21620220325	000		-	\$10.23	\$78.26
03/27/22	049	CANTEEN SALES	21620220326	000		-	\$45.74	\$32.52
03/27/22	109	JPAY DEPOSIT	141594910	000	WILHELM, BRENDA DARL	+	\$300.00	\$332.52
03/28/22	049	CANTEEN SALES	21620220327	000		-	\$17.57	\$314.95
03/28/22	129	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.81	\$314.14
04/01/22	049	CANTEEN SALES	21620220331	000		-	\$40.95	\$273.19
04/03/22	049	CANTEEN SALES	21620220402	000		-	\$20.14	\$253.05

IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS  
TRUST FUND ACCOUNT STATEMENT  
FOR: 01/14/2022 - 07/14/2022

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PAGE 2

ACCT NAME: WILHELM, EVAN C.  
BED: I2132S  
PO BOX:

ACCT#: N25549  
TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
04/04/22	131	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.61	\$252.44
04/05/22	049	CANTEEN SALES	21620220404	000		-	\$28.53	\$223.91
04/07/22	049	CANTEEN SALES	21620220406	000		-	\$11.58	\$212.33
04/09/22	049	CANTEEN SALES	21620220408	000		-	\$34.98	\$177.35
04/11/22	129	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.75	\$176.60
04/12/22	049	CANTEEN SALES	21620220411	000		-	\$26.19	\$150.41
04/13/22	047	CANTEEN SALES	21620220412	000		-	\$3.23	\$147.18
04/14/22	047	CANTEEN SALES	21620220413	000		-	\$41.35	\$105.83
04/17/22	113	JPAY MEDIA W/D	000130330291	000		-	\$5.00	\$100.83
04/18/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.71	\$100.12
04/19/22	047	CANTEEN SALES	21620220418	000		-	\$47.68	\$52.44
04/20/22	049	CANTEEN SALES	21620220419	000		-	\$10.69	\$41.75
04/25/22	047	CANTEEN SALES	21620220424	000		-	\$34.43	\$7.32
04/25/22	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.93	\$6.39
04/29/22	049	CANTEEN SALES	21620220428	000		-	\$6.30	\$0.09
04/29/22	199	JPAY DEPOSIT	142782787	000	WILHELM, DARLENE B.	+	\$300.00	\$300.09
05/01/22	049	CANTEEN SALES	21620220430	000		-	\$40.75	\$259.34
05/02/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.47	\$258.87
05/04/22	049	CANTEEN SALES	21620220503	000		-	\$8.46	\$250.41
05/07/22	049	CANTEEN SALES	21620220506	000		-	\$43.74	\$206.67
05/09/22	047	CANTEEN SALES	21620220508	000		-	\$5.37	\$201.30
05/09/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.58	\$200.72
05/11/22	049	CANTEEN SALES	21620220510	000		-	\$32.56	\$168.16
05/12/22	049	CANTEEN SALES	21620220511	000		-	\$5.27	\$162.89
05/14/22	049	CANTEEN SALES	21620220513	000		-	\$17.69	\$145.20
05/15/22	045	CANTEEN SALES	21620220514	000		-	\$23.86	\$121.34
05/15/22	113	JPAY MEDIA W/D	000132811890	000		-	\$10.00	\$111.34
05/16/22	047	CANTEEN SALES	21620220515	000		-	\$5.48	\$105.86
05/16/22	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.85	\$105.01
05/18/22	049	CANTEEN SALES	21620220517	000		-	\$10.96	\$94.05
05/22/22	049	CANTEEN SALES	21620220521	000		-	\$23.69	\$70.36
05/23/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.35	\$70.01
05/24/22	049	CANTEEN SALES	21620220523	000		-	\$14.04	\$55.97
05/28/22	049	CANTEEN SALES	21620220527	000		-	\$34.81	\$21.16
05/30/22	049	CANTEEN SALES	21620220529	000		-	\$21.16	\$0.00
05/30/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.00	\$0.00
		LIEN CREATED	- 05/30/2022	20220530				
06/02/22	148	JPAY DEPOSIT	143949201	000	WILHELM, DARLENE	+	\$300.00	\$300.00
06/02/22	149	LIEN PAYMENT	060222148565	000		-	\$0.70	\$299.30
		PROCESSING FEE	- 05/30/2022	20220530				
06/04/22	049	CANTEEN SALES	21620220603	000		-	\$47.84	\$251.46
06/06/22	049	CANTEEN SALES	21620220605	000		-	\$29.83	\$221.63
06/06/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.78	\$220.85
06/09/22	049	CANTEEN SALES	21620220608	000		-	\$7.10	\$213.75
06/11/22	049	CANTEEN SALES	21620220610	000		-	\$6.54	\$207.21



IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS  
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ACCT NAME: WILHELM, EVAN C.  
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ACCT#: N25549  
TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
06/13/22	049	CANTEEN SALES	21620220612	000		-	\$16.40	\$190.81
06/13/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.30	\$190.51
06/14/22	049	CANTEEN SALES	21620220613	000		-	\$11.91	\$178.60
06/16/22	049	CANTEEN SALES	21620220615	000		-	\$23.80	\$154.80
06/19/22	127	JPAY MEDIA W/D	000135091376	000		-	\$5.00	\$149.80
06/20/22	049	CANTEEN SALES	21620220619	000		-	\$33.95	\$115.85
06/20/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.70	\$115.15
06/24/22	049	CANTEEN SALES	21620220623	000		-	\$1.49	\$113.66
06/25/22	049	CANTEEN SALES	21620220624	000		-	\$34.69	\$78.97
06/27/22	049	CANTEEN SALES	21620220626	000		-	\$10.59	\$68.38
06/27/22	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.47	\$67.91
06/28/22	049	CANTEEN SALES	21620220627	000		-	\$8.57	\$59.34
06/30/22	049	CANTEEN SALES	21620220629	000		-	\$23.63	\$35.71
07/01/22	047	CANTEEN SALES	21620220630	000		-	\$6.03	\$29.68
07/02/22	049	CANTEEN SALES	21620220701	000		-	\$19.03	\$10.65
07/04/22	047	CANTEEN SALES	21620220703	000		-	\$10.65	\$0.00
07/04/22	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.00	\$0.00
		LIEN CREATED	- 07/04/2022	20220704				
07/04/22	177	JPAY DEPOSIT	145096729	000	WILHELM, DARLENE	+	\$300.00	\$300.00
07/04/22	178	LIEN PAYMENT	070422177201	000		-	\$0.68	\$299.32
		PROCESSING FEE	- 07/04/2022	20220704				
07/06/22	049	CANTEEN SALES	21620220705	000		-	\$14.18	\$285.14
07/07/22	049	CANTEEN SALES	21620220706	000		-	\$11.76	\$273.38
07/09/22	049	CANTEEN SALES	21620220708	000		-	\$38.28	\$235.10
07/11/22	049	CANTEEN SALES	21620220710	000		-	\$12.82	\$222.28
07/11/22	126	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.77	\$221.51
07/12/22	049	CANTEEN SALES	21620220711	000		-	\$22.95	\$198.56
07/13/22	049	CANTEEN SALES	21620220712	000		-	\$7.91	\$190.65
07/14/22	049	CANTEEN SALES	21620220713	000		-	\$24.92	\$165.73

ENDING BALANCE 07/14/22

\$165.73