

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CLINT EDWARDS — PETITIONER
(Your Name)

VS.

UNITED STATES — 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):

United States Court of Appeals, and Southern District of New York Federal Court.

☐ 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.

Clint Edwards
(Signature)

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

I, CLINT EDWARDS, 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>0</u>	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u> </u>	\$ _____	\$ <u> </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			\$
			\$
			\$

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			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 0
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	\$	\$
	\$	\$
	\$	\$

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
Value N/A

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

☐ Other assets
Description
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

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

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

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)

\$ 0

\$ _____

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

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

\$ _____

\$ _____

Home maintenance (repairs and upkeep)

\$ _____

\$ _____

Food

\$ _____

\$ _____

Clothing

\$ _____

\$ _____

Laundry and dry-cleaning

\$ _____

\$ _____

Medical and dental expenses

\$ _____

\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>↓</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>↓</u>	\$ _____
Health	\$ <u>↓</u>	\$ _____
Motor Vehicle	\$ <u>↓</u>	\$ _____
Other: _____	\$ <u>↓</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>↓</u>	\$ _____
Credit card(s)	\$ <u>↓</u>	\$ _____
Department store(s)	\$ <u>↓</u>	\$ _____
Other: _____	\$ <u>↓</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>↓</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>↓</u>	\$ _____
Other (specify): _____	\$ <u>↓</u>	\$ _____
Total monthly expenses:	\$ <u>↓</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? _____

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? _____

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 have no income, and been grant poor person for all my appeals.

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

Executed on: August 21, 2023

Clint Edwards
(Signature)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CLINT EDWARDS-Petitioner

-vs.-

UNITED STATES OF AMERICA-Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS IN NEW YORK

PETITION FOR WRIT OF CERTIORARI

Clint Edwards
DIN#: 19A1720
Woodbourne Corr. Fac.
99 Prison Rd. P.O. Box 1000
Woodbourne, NY 12788

QUESTION(S) PRESENTED

To make sure that petitioner got his Due Process right to make sure he was competent to proceedure, and if he got effective assistance of counsel.

LIST OF PARTIES

[✓] All parties appear in the caption of the case on the cover page.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to petition and is
☒ reported at 2023 WL 5091079

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was February 28, 2023.

☒ No petition for rehearing was timely filed in my case.
The jurisdiction of this Court is invoked under 28 U.S.C.
§ 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

1. Petitioner Due Process was violated under U.S. Const. 14th Amendment. Under the Due Process Clause of the Fourteenth Amendment, a defendant is "incompetent" to proceed at trial if he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense, although some degree of mental illness does not necessarily amount to incompetence to stand trial.
2. Petitioner had a pending N.Y. State C.P.L., Article 730 examination to see if he was competent to move forward with his criminal case in Orange Couty, New York. While this examination was pending he was also dealing with this federal case. The court thought he had this exam done due to the false information that the Petitioner's attorney told the court at his plead agreement.
3. By the federal court not making sure that this examination was done they violated his Due Process. Under the 14th Amendment of the U.S. Const., a defendant may not be tried unless he is "competent, and failure to hold a competency hearing when evidence warrants one violates Due Process.
4. Petitioner's counsel Mr. Hochheiser was ineffective when he gave a false statement to the court saying this examination was done when in fact it wasn't. Which is grounds for ineffective assistance of counsel under the 6th Amendment of the U.S. Const. Counsel is suppose to have his clients best interest to a fair trial.

CONCLUSION

The Petitioner respectfully asks the Court to grant this petition for a Writ of Certiorari.

Respectfully submitted,

Clint Edwards
Clint Edwards

Date: August 21, 2023

APPENDIX A

S.D.N.Y. – W.P.
21-cv-5978
Halpern, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 28th day of February, two thousand twenty-three.

Present:

Guido Calabresi,
Michael H. Park,
William J. Nardini,
Circuit Judges.

Clint Edwards,

Petitioner-Appellant,

v.

22-276

United States of America,

Respondent-Appellee.

Appellant, through counsel, moves for a certificate of appealability and, pro se, moves for in forma pauperis status. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because Appellant has not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c); *see Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court


