

24-5490

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
SEP 05 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Eric Michael Corder PETITIONER
(Your Name)

VS.

State of West Virginia 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):

Circuit Court of Randolph County, Elkins, W.Va.

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.

Eric Corder

(Signature)

RECEIVED
SEP - 9 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, Eric Corder, 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>130.00</u>	\$ <u>0</u>	\$ <u>130.00</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>130.00</u>	\$ <u>0</u>	\$ <u>130.00</u>	\$ <u>0</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
Corrections Industries	112 NQJ Drive Moundsville WV 26041	2016- Current	\$ 130.00
			\$
			\$

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
NA			\$
			\$
			\$

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

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

<input type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1 Year, make & model _____ Value _____	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> Other assets Description _____ Value _____	

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
<u>NA</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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
<u>NA</u>	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ <u>NA</u>	\$ <u>NA</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>NA</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>NA</u>	\$ <u>NA</u>
Food	\$ <u>NA</u>	\$ <u>NA</u>
Clothing	\$ <u>NA</u>	\$ <u>NA</u>
Laundry and dry-cleaning	\$ <u>NA</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>NA</u>	\$ <u>NA</u>

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

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.

Ten years of incarceration.

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

Executed on: September 4th, 2024

Eric Gandy
(Signature)

FILED
RANDOLPH COUNTY
CIRCUIT CLERK'S OFFICE
2021 NOV 13 PM 12:09
21-C-116

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

ERIC MICHAEL CORDER,
Petitioner,

vs.

STATE OF WEST VIRGINIA,
Respondent.

ORDER

The above-named Petitioner, Eric Michael Corder, has filed with this Court a pro se Petition for post-conviction habeas corpus relief and an Application and Affidavit to Proceed In Forma Pauperis.

The Court has promptly examined the Petition and accompanying materials as required by Rule 4(b) of the Rules Governing Post-Conviction Habeas Corpus Proceedings in West Virginia, (R. H. C.), and has determined the Petitioner may have grounds for relief, but the pro se Petition, as filed, is not sufficient for the Court to conduct a fair adjudication of the Petitioner's contentions.

Accordingly, the Court has examined the Petitioner's Application and Affidavit to Proceed In Forma Pauperis and determined that the Application and Affidavit comply with the requirements of R. H. C. 3(a). As required by R. H. C. 3(a), the Application and Affidavit demonstrate to the Court's satisfaction the Petitioner is unable to pay the costs of proceedings or employ counsel. Further, the Court finds that the Petition has been filed in good faith as required by R. H. C. 6, and the appointment of counsel is warranted.

Therefore, pursuant to the authority of R. H. C. 4(b) and (d), Counsel should be appointed to file an Amended Petition, and the Respondent should be Ordered to file an Answer to the Amended Petition. As such, the Court

ORDERS that the Petitioner is granted leave to prosecute this action in forma pauperis.

Jason T. Gain, Esq., an Attorney at Law licensed to practice in the State of West Virginia, is appointed as counsel for the Petitioner. Counsel shall file with this Court an Amended Petition for post-conviction habeas corpus relief. The Amended Petition shall be filed no later than ninety (90) days after the entry of this Order.

Counsel shall follow the procedures set forth in *Losh v. McKenzie*, 166 W. Va. 762, at 768-771, 277 S.E.2d 606, at 610-612 (1981) and shall utilize the *Losh* List to ensure the Petitioner raises every potential ground for relief conceivably applicable to the Petitioner's case, and to ensure the Petitioner understands, that with only a few narrow exceptions, grounds for relief not raised will be waived.

The Respondents shall file an Answer responding to all allegations of the Amended Petition. The Answer shall be filed no later than sixty (60) days after the filing of the Amended Petition. The Answer shall comply in all respects with the requirements of R. H. C. 5, and shall be consolidated with such other pleadings as are necessary for a prompt and complete adjudication of this action.

The Clerk shall FORWARD an attested copy of this Order to the Petitioner; FORWARD an attested copy of this Order and a copy of the entire file in this case to Jason T. Gain, Esq., Losh Mountain Legal Services, P.O. Box 578 Anmoore, WV 26323, and a copy of this Order to the Randolph County Prosecuting Attorney, Michael W. Parker, Esq.

Enter this 14 day of December, 2021.

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E.Court
1/6/21
PA

A TRUE COPY
ATTEST:
PHILIP D. RIGGLEMAN
CLERK OF THE CIRCUIT COURT
BY: Rose Shaffer
DEPUTY


DAVID H. WILMOTH
Circuit Judge
ENTERED

DEC 15 2021

PHILIP D. RIGGLEMAN, CLERK