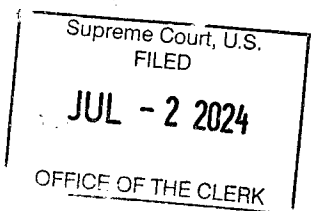


24-5526

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Terry Dean Birts — PETITIONER
(Your Name)

VS.

State of Arkansas — 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):

Arkansas Supreme 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.

Terry D Birts
(Signature)

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

I, ERRY D. BARTZ, 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 cost of this case or to give security therefore 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 source 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	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify) _____	\$ _____	\$ _____	\$ <u>0</u>	\$ _____
Total monthly income:	\$ <u>0</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
<u>None</u>	<u></u>	<u></u>	\$ <u>0</u>
<u></u>	<u></u>	<u></u>	\$ <u></u>
<u></u>	<u></u>	<u></u>	\$ <u></u>

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
<u>None</u>	<u></u>	<u></u>	\$ <u>0</u>
<u></u>	<u></u>	<u></u>	\$ <u></u>
<u></u>	<u></u>	<u></u>	\$ <u></u>

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

Below, state any money your or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Balance
<u>None</u>	\$ <u>0</u>
<u></u>	\$ <u></u>

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

Home Value <u>None</u>	Other real estate <u>None</u>
Motor vehicle <u>None</u>	Motor vehicle <u>None</u>
Other assets <u>None</u>	

6. State every person, business, or organization owing you or your spouse money, and the amount owed. *NO*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<i>None</i>	\$ <i>0</i>	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<i>None</i>		

8. Estimate the average monthly expenses for 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	\$ <i>0</i>	\$
Are real estate taxes included? Yes No		
Is property insurance included? Yes No		
Utilities	\$ <i>0</i>	\$
Home maintenance	\$ <i>0</i>	\$
Food	\$ <i>0</i>	\$
Clothing	\$ <i>0</i>	\$
Laundry and dry-cleaning	\$ <i>0</i>	\$
Medical and dental expenses	\$ <i>0</i>	\$
Transportation	\$ <i>0</i>	\$
Recreation, entertainment, newspapers, etc.	\$ <i>0</i>	\$

You

Your spouse

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renter's

\$ 0

\$

Life

\$ 0

\$

Health

\$ 0

\$

Motor Vehicle

\$ 0

\$

Other _____

\$ 0

\$

Taxes (not deducted from wages or included in mortgage payments)

(specify): _____

\$ 0

\$

Installment payments

Motor Vehicle

\$ 0

\$

Credit card(s)

\$ 0

\$

Department store(s)

\$ 0

\$

Other: _____

\$ 0

\$

Alimony, maintenance, and support paid to others

\$ 0

\$

Regular expenses for operation of business, profession, or farm (attach detailed statement)

\$ 0

\$

Other (specify): _____

\$ 0

\$

Total monthly expenses:

\$ 0

\$

9. Do you expect any major change 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 your 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.

Incarcerated inmate

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

Executed on: July 2, 2024

Jerry Berts
(Signature)