

No. _____

IN THE
Supreme Court of the United States

TIMOTHY RONK,

Petitioner,

v.

STATE OF MISSISSIPPI,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

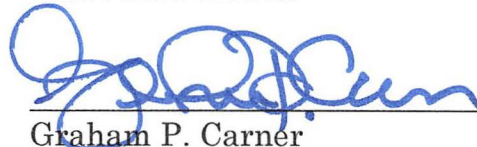
Petitioner, Timothy Ronk, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

In support of this Motion, Ronk attaches the following:

1. Order appointing Graham P. Carner by the Mississippi Supreme Court in the proceeding that is the subject of this Petition.
2. Declaration of financial condition executed by Mr. Ronk.

Respectfully submitted,

TIMOTHY RONK



BY: Graham P. Carner

GRAHAM P. CARNER
GRAHAM P. CARNER, PLLC
775 N. Congress Street
Jackson, Mississippi 39202
T: 601.949.9456
F: 601.354.7854
E: graham.carner@gmail.com

Counsel for Petitioner

October 15, 2024.

Serial: 239894

IN THE SUPREME COURT OF MISSISSIPPI

No. 2021-DR-00269-SCT

***TIMOTHY ROBERT RONK A/K/A TIMOTHY RONK
A/K/A TIMOTHY R. RONK***

Petitioner

v.

STATE OF MISSISSIPPI

Respondent

EN BANC ORDER

Before the en banc Court are (1) Timothy Robert Ronk's Renewed Motion for Appointment of Counsel for Representation for Successive Petition for Post-Conviction Relief, (2) the State of Mississippi's Response in Opposition, and (3) Ronk's Reply.

Ronk was sentenced to death for capital murder and to thirty years for armed robbery. *Ronk v. State*, 172 So. 3d 1112, 1121 (Miss. 2015). This Court affirmed, *id.*, and denied post-conviction relief. *Ronk v. State*, 267 So. 3d 1239, 1246 (Miss. 2019).

The United States District Court for the Southern District of Mississippi appointed attorneys Graham P. Carner and Carol R. Camp to represent Ronk in federal habeas proceedings. The district court later stayed federal habeas proceedings to allow Ronk to return to state court to exhaust certain claims that were not previously raised.

So on March 12, 2021, Ronk moved this Court either (a) to appoint Carner and Camp to represent him in state successive post-conviction proceedings or (b) to remand this matter to the trial court for it to address appointment of counsel and other motions related to his successive post-conviction proceedings. This Court dismissed the motion without prejudice to Ronk's right to seek a determination from the federal district court on whether it was proper for Carner and Camp to exhaust Ronk's claims in state court in the course of their federal habeas representation. En Banc Order, *Ronk v. State*, No. 2021-DR-00269-SCT (Miss. June 10, 2021); *see also* En Banc Order, *Ronk v. State*, No. 2021-

DR-00269-SCT (Miss. Aug. 16, 2021) (granting Ronk's reconsideration/clarification motion in part).

Ronk then returned to federal district court, and it denied his Motion for Approval of Funding and Proposed Budget for Attorneys' Fees and Expenses to Prepare and File State Court Successive Post-Conviction Petition.

Ronk now renews his request for this Court either (a) to appoint Carner and Camp to represent him in state successive post-conviction proceedings or (b) to remand this matter to the trial court for it to address appointment of counsel and other motions related to his successive post-conviction proceedings.

After due consideration, we find that the motion should be granted.

IT IS THEREFORE ORDERED that Ronk's Renewed Motion for Appointment of Counsel for Representation for Successive Petition for Post-Conviction Relief is granted. Carner and Camp are appointed as counsel to represent Ronk in state successive post-conviction proceedings.

IT IS FURTHER ORDERED that Ronk's successive post-conviction petition must be filed on or before March 22, 2022. Once the petition is filed, the State's response is due within thirty days. And once the State's response is filed, Ronk's reply is due within thirty days.

SO ORDERED.

ALL JUSTICES AGREE.

DIGITAL SIGNATURE

Order#: 239894

Sig Serial: 100004896

Org: SC

Date: 01/21/2022



T. Kenneth Griffis, Justice

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

I, Timothy Ronk, 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	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <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 (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): <u>family</u>	\$ <u>30</u>	\$ _____	\$ <u>30</u>	\$ _____
Total monthly income:	\$ <u>30</u>	\$ _____	\$ <u>30</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? \$ 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
	\$	\$
	\$	\$
	\$	\$

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

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

☐ Other assets
Description N/A
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
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)	\$ N/A	\$
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)	\$ N/A	\$
Home maintenance (repairs and upkeep)	\$ N/A	\$
Food	\$ N/A	\$
Clothing	\$ N/A	\$
Laundry and dry-cleaning	\$ N/A	\$
Medical and dental expenses	\$ N/A	\$

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

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

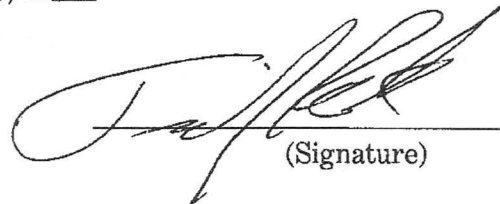
If yes, how much? _____

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

Executed on: October 3, 2024


(Signature)