

No. \_\_\_\_\_

**In the Supreme Court of the United States**

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EMANNUEL TOTAYE,

*Petitioner,*

v.

THE STATE OF IOWA,

*Respondent.*

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**MOTION TO PROCEED IN FORMA PAUPERIS**

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COMES NOW the undersigned attorney, Alfredo Parrish, and pursuant to Rule 39, respectfully requests for leave to file the attached petition for a writ of certiorari without prepayment of costs, to proceed in forma pauperis, and that the Court appoint him as counsel for the Petitioner. Petitioner's prior court order having counsel appointed is attached.

**PARRISH KRUIDENIER L.L.P**

BY: /s/ Alfredo Parrish.

Alfredo Parrish

*Counsel of Record*

2910 Grand Avenue

Des Moines, Iowa 50312

Telephone: (515) 284-5737

Facsimile: (515) 284-1704

Email: aparrish@parrishlaw.com

**ATTORNEY FOR THE PETITIONER**

IN THE IOWA DISTRICT COURT FOR POLK COUNTY  
ORDER OF INITIAL APPEARANCE (IN-CUSTODY)

**DEFENDANT:** EMMANUEL ZLEH TOTAYE

**ATTORNEY:** PUBLIC DEFENDER-POLK COUNTY

**ADDRESS:** 505 5TH AVENUE STE 506 DES MOINES, IA 50309

**PHONE:** (515) 725-1825 **FAX: (515) 281-7275**

Date of Order: 02/05/20

Defendant's Application for Appointment of Counsel is approved.

The above named attorney is hereby appointed to represent the Defendant on the charges listed and scheduled below. The conditions are pursuant to the agreement between the State Public Defender and the above named Attorney and will continue until the case is disposed of, including representation at any post-sentencing matters. Counsel appointed to represent Defendant is the local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code Section 13B.4(2) to represent indigent person in this type of case in the county. **Counsel is advised of the responsibility to be prepared to provide the court with a current statement of any and all fees and expenses incurred as of the date of any scheduled proceedings, in order to properly address issues or restitution, if applicable.**

Based on the Defendant's financial affidavit/application the Court finds as follows: Felony Charge: Income over 200% of guidelines. Not appointing would cause substantial hardship.

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Upon review of the Preliminary Complaint filed in this matter, Court finds Probable Cause to believe that the offense(s) set forth in the complaint have been committed and the Defendant committed said offense(s).

**THE DEFENDANT IS ORDERED TO APPEAR AT THE POLK COUNTY CRIMINAL COURTS BUILDING ON THE FOLLOWING CHARGES ON THE DATES SHOWN BELOW:**

**CASE:** 05771 FECR335644

Preliminary Hearing is

**COURT DATE:** 02/14/2020 AT 8:00 AM Polk Co Crim Courts, Room 120, 110 6th Ave, DSM, IA.

**CHARGE:** 707.2(1)(a)

MURDER IN THE 1ST DEGREE

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MURDER IN THE 1ST DEGREE

**CHARGE:** 707.2(1)(a)

MURDER IN THE 1ST DEGREE

**CHARGE:** 711.1(1)(a)

ROBBERY 1ST DEGREE

**IF OUT OF CUSTODY, DEFENDANT MUST CHECK IN ON THE 1ST FLOOR OF THE CRIMINAL COURTS BUILDING, 110 6TH AVE., DES MOINES, IOWA PRIOR TO ARRAIGNMENT TIME.**

Total Bond is set at \$3,025,000.00 cash

***If you have been charged with a simple misdemeanor, you are hereby advised that trial in that matter will be without a jury unless a jury demand is made within 10 days of the entry of a not guilty plea. Failure to make a jury demand by this deadline constitutes a waiver of the right to a jury trial.***

**ATTN:PCSO:** The Sheriff is ordered to take into custody the defendant who has been charged in the District Court of Polk County, Iowa with the offenses listed above. The Defendant is committed to the custody of the Polk County Sheriff, to be detained in the Polk County Jail until discharged by due course of law. The Defendant is admitted to bail in the amount set out above.

**If the Defendant is being released on PTR Levels I,II, III, IV or Max Services, the PCSO WILL NOT RELEASE the Defendant until all paperwork has been signed and submitted to the PCSO.**

Defendant was personally served with a copy of this order.

PCJ was personally served with a copy of this order.

In addition to all other persons entitled to a copy of this order, the Clerk shall provide a copy to the following:

PCJ BOOKING



State of Iowa Courts

**Case Number**  
FECR335644  
**Type:**

**Case Title**  
STATE VS EMMANUEL ZLEH TOTAYE JR\*\*C  
HEARING FOR INITIAL APPEARANCE

So Ordered

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Carol L. Coppola, District Associate Judge,  
Fifth Judicial District of Iowa

Electronically signed on 2020-02-05 09:08:13

## IN THE IOWA DISTRICT COURT FOR POLK COUNTY

**STATE OF IOWA**  
**Plaintiff,****vs.****EMMANUEL ZLEH TOTAYE,**  
**Defendant**EMMANUEL ZLEH TOTAYE  
5810 SE 8TH ST  
DES MOINES IA 50315

05771 FECR335644

**Order Appointing Appellate Counsel  
and Order For Payment for Transcripts**

A Notice of Appeal was filed by the Defendant. The Defendant is indigent. Counsel shall be appointed to represent Defendant on this appeal.

Other:

Christine Branstad (AT0001125)

The transcripts in all proceedings in this matter shall be prepared at State expense.

Counsel is advised that the combined certificate must be filed and served within four (4) days after the filing of the notice of appeal. See Iowa R. App.P.10(b). If it is not possible to meet that deadline at the time of appointment, counsel shall file an application for extension of time with the Clerk of the Supreme Court. The combined certificate may be contemporaneously filed with the application for extension of time. The appeal must then be docketed within the applicable deadline set forth under Iowa R. App. P.12(a) or (b).

**SO ORDERED** this 07/14/22.

Christine Branstad was personally served with a copy of this order.

Appellate Defender's office

5CR51



State of Iowa Courts

**Case Number**  
FECR335644  
**Type:**

**Case Title**  
STATE VS EMMANUEL ZLEH TOTAYE JR  
ORDER APPOINTING

So Ordered

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Celene Gogerty, District Judge  
Fifth Judicial District of Iowa

Electronically signed on 2022-07-14 14:22:17

**IOWA DISTRICT COURT FOR POLK COUNTY**

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**STATE OF IOWA**  
**PLAINTIFF**

VS.

**EMMANUEL ZLEH TOTAYE**  
**DEFENDANT**

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Case No: 05771 FECR335644

**ORDER FOR TRANSCRIPT**  
**AT STATE EXPENSE**

On September 8, 2022, the Defendant requested a transcript to be prepared at State expense. The Court finds that it should be granted.

**IT IS THEREFORE ORDERED** that the Court Reporter shall prepare a transcript at State expense.

Copies to:

POLK County Attorney

In addition, the Clerk shall provide copies to:





State of Iowa Courts

**Case Number**  
FECR335644  
**Type:**

**Case Title**  
STATE VS EMMANUEL ZLEH TOTAYE JR  
OTHER ORDER

So Ordered

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Celene Gogerty, District Judge  
Fifth Judicial District of Iowa

Electronically signed on 2022-09-09 16:45:45