

IN THE SUPREME COURT OF THE UNITED STATES

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DEARICK SMITH,

Petitioner,

No.

v.

UNITED STATES OF AMERICA,

Respondent.

-----X
**MOTION FOR LEAVE
TO PROCEED IN
FORMA PAUPERIS**

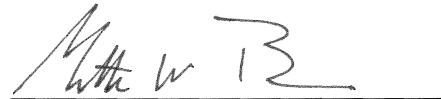
MATTHEW W. BRISSENDEN, counsel for the Petitioner Dearick Smith, hereby moves for leave to file the accompanying petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Petitioner was previously granted leave to proceed in forma pauperis in the Second Circuit Court of Appeals. A copy of the Order from the Second Circuit Court of Appeals, granting leave to proceed in forma pauperis, and appointing the undersigned attorney as counsel under the Criminal Justice Act (18 U.S.C. § 3006A), is attached hereto as Exhibit A.

Based upon the forgoing information and the attached Order, we respectfully request that Dearick Smith be granted leave to proceed in forma pauperis before this Court.

Dated: Garden City, New York
December 31, 2024

Respectfully submitted,



Matthew W. Brissenden
MATTHEW W. BRISSENDEN, P.C.
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Counsel for Petitioner Dearick Smith

EXHIBIT A

**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 14th day of March, two thousand twenty-three.

United States of America,

ORDER

Appellee,

Docket No. 22-3104

v.

Dearick Smith,

Defendant - Appellant.

Daniel Perez moves to be relieved as counsel for the Appellant.

IT IS HEREBY ORDERED that the motion to be relieved is GRANTED. Matthew W. Brissenden, 666 Old Country Road, Suite 501, Garden City, NY 11530, is assigned as new counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. Attorney Brissenden is directed to review Local Rule 31.2 regarding procedures for setting the filing dates for the submission of briefs.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court