

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

HAKEEM-ALI SHOMO, PETITIONER,

v.

THE STATE OF OHIO, *ET AL.*, RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Louis E. Grube, Esq.
Counsel of Record
Paul W. Flowers, Esq.
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Cleveland, Ohio 44113
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leg@pwfco.com

*Attorneys for Petitioner,
Hakeem-Ali Shomo*

MOTION

Petitioner Hakeem-Ali Shomo (“Shomo”) requests leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*. This relief is warranted because Shomo sought similar relief below, and counsel was appointed to him during the earlier proceedings. *Sup. Ct. R. 39.1*. The Cuyahoga County Court of Common Pleas declared Shomo indigent and appointed trial counsel for him on June 6, 2022. *Entry attached at Apx. 0001*. After a mistrial was declared and Shomo’s motion to dismiss on the basis of double jeopardy was denied, undersigned counsel was appointed for the purpose of pursuing an interlocutory appeal. *Entry attached at Apx. 0002*. While the Supreme Court of Ohio would only appoint counsel for a full merits review following acceptance of a discretionary appeal under Ohio S.Ct.Prac.R. 7.09, that court permitted Shomo to file his appeal without filing fees or security deposits on account of the appointment of counsel by the lower courts under Ohio S.Ct.Prac.R. 3.06(B). Shomo’s appeal was rejected by the Supreme Court of Ohio on October 15, 2024, without the opportunity for appointment of counsel by that Court.

As further grounds for relief, Shomo has been incarcerated in the Cuyahoga County Jail without the opportunity to maintain employment during the years-long pendency of these proceedings. *Declaration in Support of Motion for Leave to Proceed In Forma Pauperis attached at Apx. 0003-8*. He therefore remains indigent and unable to hire counsel.

CONCLUSION

For the foregoing reasons, Shomo should be granted leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Respectfully submitted,

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Attorneys for Petitioner,
Hakeem-Ali Shomo



124567489

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO
Plaintiff

HAKEEM-ALI SHOMO
Defendant

Case No: CR-22-670878-E

Judge: JOHN J RUSSO

INDICT: 2903.01 AGGRAVATED MURDER /FRM1 /FRM3
2903.02 MURDER /FRM1 /FRM3
2903.11 FELONIOUS ASSAULT /FRM1 /FRM3
ADDITIONAL COUNTS...

JOURNAL ENTRY

DEFENDANT DECLARED INDIGENT.
ANY COSTS IMPOSED PURSUANT TO ORC 2743.70 AND ORC 2949.091 ARE HEREBY WAIVED.
ATTORNEY HILOW, HENRY J AND MCDONNELL, JAMES J WAS PREVIOUSLY ASSIGNED AS COUNSEL.
READING OF INDICTMENT WAIVED.
TWENTY-FOUR HOUR SERVICE WAIVED.
DEFENDANT PLEAD NOT GUILTY TO INDICTMENT.
BOND SET AT 2,000,000.00 DOLLARS. BOND TYPE: CASH/SURETY/PROP..
BOND CONDITIONS: NO CONTACT WITH SURVIVING VICTIMS OR VICTIM'S FAMILY.
JUDGE RUSSO, JOHN J (345) ASSIGNED (MANUALLY).
FIRST PRETRIAL SET FOR 06/08/2022 AT 08:30 AM IN COURT ROOM JC16B JUDGE JOHN J. RUSSO.

Judge Signature

06/06/2022

06/06/2022

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Apx. 0001
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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO
Plaintiff

HAKEEM-ALI SHOMO
Defendant

Case No: CR-22-670878-E

Judge: MICHAEL J RUSSO

INDICT: 2903.01 AGGRAVATED MURDER /FRM1 /FRM3
2903.02 MURDER /FRM1 /FRM3
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ADDITIONAL COUNTS...

JOURNAL ENTRY

06/16/2023; D1 HAKEEM-ALI SHOMO'S MOTION TO APPOINT APPELLATE COUNSEL, FILED 06/13/2023 BY ATTORNEY HENRY J HILOW 0019601, IS GRANTED. THE COURT APPOINTS LOUIS GRUBE AS APPELLATE COUNSEL IN THIS MATTER.

THIS ENTRY TAKEN BY JUDGE TIMOTHY J MCGINTY.

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Judge Signature

06/16/2023

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06/16/2023

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Apx. 0002
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**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Hakeem-Ali Shomo, 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>0</u>	\$ _____	\$ <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
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? \$ 0
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
N/A	\$	\$
	\$	\$
	\$	\$

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
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
M S	12	Child	12
P S	8	Child	8
J S	6	Child	6

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)	\$ 0	\$ _____
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)	\$ 0	\$ _____
Home maintenance (repairs and upkeep)	\$ 0	\$ _____
Food	\$ 0	\$ _____
Clothing	\$ 0	\$ _____
Laundry and dry-cleaning	\$ 0	\$ _____
Medical and dental expenses	\$ 0	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
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	\$ 310 ⁰⁰	\$
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 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? _____

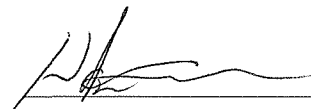
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I have been incarcerated in the Cuyahoga County Jail pending trial since my arrest on December 11, 2021. I cannot afford to pay my bond, which is set at \$2,000,000.00, and I have therefore been unable to work to earn money since my arrest.

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

Executed on: 1 - 10, 20 25


(Signature)