

No. 24-6642 **ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

SEP 26 2024

OFFICE OF THE CLERK

HUBERT GLENN SEXTON JR. — PETITIONER  
(Your Name)

VS.

STATE OF TENNESSEE — 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):

EIGHTH JUDICIAL DISTRICT IN TENNESSEE AND TENN COURT OF CRIMINAL  
APPEALS

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.

26 Sept 2024

(Signature)

RECEIVED  
FEB 11 2025  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
NOV 25 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

I, John Smith Jr., 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
Employment	\$ <u>37.27</u>	\$ <u>N/A</u>	\$ <u>66.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	\$ <u>65.00</u>	\$ <u>N/A</u>	\$ <u>65.00</u>	\$ <u>N/A</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
TK. DEPT. OF CORRECTIONS	N.E.C.X. PO BOX 5000 MAN. CITY, TK 37683	2000 - 2024	\$ APPROX 60.00
			\$
			\$

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? \$ 425.00

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
PRISON TRUST FUND	\$ 35.78	\$ N/A
	\$	\$
	\$	\$

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.

<b>Person owing you or your spouse money</b>	<b>Amount owed to you</b>	<b>Amount owed to your spouse</b>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
	\$ _____	\$ _____
	\$ _____	\$ _____

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").

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
<u>N/A</u>	_____	_____
	_____	_____
	_____	_____

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.

	<b>You</b>	<b>Your spouse</b>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>N/A</u>	\$ <u>N/A</u>
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)	\$ <u>*20.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>*45.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>N/A</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>N/A</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>N/A</u>	\$ <u>N/A</u>

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Life	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Health	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Motor Vehicle	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Other: _____	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Installment payments		
Motor Vehicle	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Credit card(s)	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Department store(s)	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Other: _____	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Alimony, maintenance, and support paid to others	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
Other (specify): _____	\$ <u><u>N/A</u></u>	\$ <u><u>N/A</u></u>
<b>Total monthly expenses:</b>	\$ <u><u>65.20</u></u>	\$ <u><u>N/A</u></u>

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 SINCE MAY OF 2000.

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

Executed on: NOVEMBER 18<sup>th</sup>, 2024, 2024

76. *John Lester*

(Signature)



STATE OF TENNESSEE  
DEPARTMENT OF CORRECTION  
NORTHEAST CORRECTIONAL COMPLEX  
P.O. BOX 5000  
MOUNTAIN CITY, TENNESSEE 37683-5000  
TELEPHONE (423) 727-7387 FAX (423) 727-5415

**INMATE TRUST FUND AFFIDAVIT**

**Hubert G. Sexton JR.**

**321012**

**INMATE NAME**

**DOC NUMBER**

**NOTICE TO INMATE:** an inmate seeking to proceed IFP (In forma Pauper) shall submit an affidavit stating all assets. In addition, an inmate must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional account.

**CERTIFICATE**

(Incarcerated applicants only (To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of his credit at **\$35.78**

Northeast Correctional Complex. I further certify that the applicant has the following securities to his credit **-0-**.

I further certify that during the past six months the applicant's average balance was **\$13.04**

I, Tammy McElyea, am a State of Tennessee employee, who serves as the Inmate Trust Fund Custodian for inmates at Northeast Correctional Complex. By the signature below, I certify that the attached computer printout of the named inmate is true and correct in designating his trust account activity for the past six months with the Department of Correction. NECX

Tammy McElyea  
SIGNATURE OF AUTHORIZED OFFICER: ACCOUNT CLERK

DATE

11/12/24

State of: Tennessee

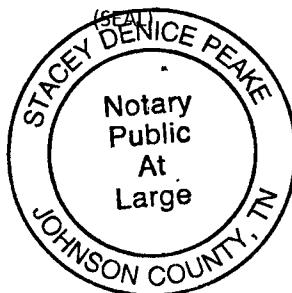
County of: Johnson

Presented before me by Tammy McElyea who is personally known by me on this  
the 12<sup>th</sup> day of November, 2024.

Stacey D. Peake  
Notary Public

8-19-2028

My Commission Expires



**Trust Fund**Links Suspend 

Account 00321012 Sexton, Hubert G. Jr. Status ACTV Location NECX

Reset key fields

Transactions Obligations Organizations

Refresh

Actual Site NECX Assigned Site NECX Current Balance 35.78

Pending Balance

Trans Date	Seq No	Trans Type	Transaction Code	Transaction Amount	Trans Site	Current Amount	Pend Amount
05/06/2024	1	D	COM	8.97	NECX	2.43	
04/29/2024	1	D	COM	18.96	NECX	11.40	
04/25/2024	1	D	NOT	1.00	NECX	30.36	
04/24/2024	1	D	POS	2.51	NECX	31.36	
04/11/2024	2	D	FEE	31.50	NECX	33.87	
04/11/2024	1	C	PAD	63.00	NECX	65.37	
04/08/2024	1	D	INC	10.84	NECX	2.37	
03/21/2024	1	D	COM	24.32	NECX	13.21	
03/14/2024	2	D	FEE	33.00	NECX	37.53	
03/14/2024	1	C	PAD	66.00	NECX	70.53	

Search 

FastPath



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**Trust Fund**Links Suspend 

Account 00321012 Sexton, Hubert G. Jr. Status ACTV Location NECX

Reset key fields

Transactions Obligations Organizations

Actual Site NECX Assigned Site NECX Current Balance 35.78

Pending Balance

Refresh

Enter

First

Trans Date	Seq No	Trans Type	Transaction Code	Transaction Amount	Trans Site	Current Amount	Pend Amount
06/03/2024	2	C	COC	1.95	NECX	2.38	
06/03/2024	1	D	COM	9.70	NECX	0.43	
05/28/2024	2	C	COC	3.25	NECX	10.13	
05/28/2024	1	D	COM	26.28	NECX	6.88	
05/20/2024	4	D	FEE	30.00	NECX	33.16	
05/20/2024	3	C	COC	2.82	NECX	63.16	
05/20/2024	2	C	CSH	60.00	NECX	60.34	
05/20/2024	1	D	COM	36.59	NECX	0.34	
05/14/2024	2	D	FEE	34.50	NECX	36.93	
05/14/2024	1	C	PAD	69.00	NECX	71.43	

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**Trust Fund**Links  Suspend 

Account 00321012 Sexton, Hubert G. Jr. Status ACTV Location NECX

Reset key fields

Transactions Obligations Organizations

Refresh

Actual Site NECX Assigned Site NECX Current Balance 35.78

Pending Balance

Trans Date	Seq No	Trans Type	Transaction Code	Transaction Amount	Trans Site	Current Amount	Pend Amount
08/07/2024	1	C	VIC	30.00	NECX	32.65	
07/15/2024	2	C	COC	2.24	NECX	2.65	
07/15/2024	1	D	COM	13.57	NECX	0.41	
07/11/2024	3	D	CBL	3.00	NECX	13.98	
07/11/2024	2	D	FEE	16.32	NECX	16.98	
07/11/2024	1	C	PAD	32.64	NECX	33.30	
07/09/2024	1	D	POS	0.88	NECX	0.66	
06/17/2024	1	D	COM	11.34	NECX	1.54	
06/13/2024	2	D	FEE	10.50	NECX	12.88	
06/13/2024	1	C	PAD	21.00	NECX	23.38	

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**Trust Fund**Links  Suspend 

Account 00321012 Sexton, Hubert G. Jr. Status ACTV Location NECX

Reset key fields

Transactions Obligations Organizations

Actual Site NECX Assigned Site NECX Current Balance 35.78

Refresh

Pending Balance

Trans Date	Seq No	Trans Type	Transaction Code	Transaction Amount	Trans Site	Current Amount	Pend Amount
09/12/2024	2	D	FEE	21.42	NECX	24.36	
09/12/2024	1	C	PAD	42.84	NECX	45.78	
09/09/2024	1	C	COC	2.42	NECX	2.94	
09/02/2024	1	D	COM	19.23	NECX	0.52	
08/14/2024	2	D	FEE	19.38	NECX	19.75	
08/14/2024	1	C	PAD	38.76	NECX	39.13	
08/13/2024	1	D	MED	3.00	NECX	0.37	
08/12/2024	1	D	CBL	3.00	NECX	3.37	
08/08/2024	1	D	INC	11.28	NECX	6.37	
08/07/2024	2	D	FEE	15.00	NECX	17.65	

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**Trust Fund**Links  Suspend 

Account 00321012 Sexton, Hubert G. Jr. Status ACTV Location NECX

Reset key fields

Transactions Obligations Organizations

Actual Site NECX Assigned Site NECX Current Balance 35.78

Refresh

Pending Balance

Trans Date	Seq No	Trans Type	Transaction Code	Transaction Amount	Trans Site	Current Amount	Pend Amount
11/07/2024	2	D	FEE	33.00	NECX	35.78	
11/07/2024	1	C	PAD	66.00	NECX	68.78	
11/06/2024	1	D	CBL	3.00	NECX	2.78	
11/04/2024	1	D	INC	12.50	NECX	5.78	
10/23/2024	1	D	COP	20.90	NECX	18.28	
10/10/2024	2	D	FEE	29.04	NECX	39.18	
10/10/2024	1	C	PAD	58.08	NECX	68.22	
09/23/2024	2	C	COG	5.06	NECX	10.14	
09/23/2024	1	D	COM	16.28	NECX	5.08	
09/12/2024	3	D	CBL	3.00	NECX	21.36	

Search 

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Top Of List

Hubert G. Sexton Jr.-3210

5/7/2024	\$	2.43
5/8/2024	\$	2.43
5/9/2024	\$	2.43
5/10/2024	\$	2.43
5/11/2024	\$	2.43
5/12/2024	\$	2.43
5/13/2024	\$	2.43
5/14/2024	\$	36.93
5/15/2024	\$	36.93
5/16/2024	\$	36.93
5/17/2024	\$	36.93
5/18/2024	\$	36.93
5/19/2024	\$	36.93
5/20/2024	\$	33.16
5/21/2024	\$	33.16
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5/24/2024	\$	33.16
5/25/2024	\$	33.16
5/26/2024	\$	33.16
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6/27/2024	\$	1.54
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6/29/2024	\$	1.54
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7/6/2024	\$	1.54
7/7/2024	\$	1.54
7/8/2024	\$	1.54
7/9/2024	\$	0.66
7/10/2024	\$	0.66
7/11/2024	\$	13.98
7/12/2024	\$	13.98
7/13/2024	\$	13.98
7/14/2024	\$	13.98
7/15/2024	\$	2.65
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8/8/2024	\$	6.37
8/9/2024	\$	6.37
8/10/2024	\$	6.37
8/11/2024	\$	6.37
8/12/2024	\$	3.37
8/13/2024	\$	0.37
8/14/2024	\$	19.75
8/15/2024	\$	19.75
8/16/2024	\$	19.75
8/17/2024	\$	19.75

8/18/2024	\$	19.75
8/19/2024	\$	19.75
8/20/2024	\$	19.75
8/21/2024	\$	19.75
8/22/2024	\$	19.75
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8/31/2024	\$	19.75
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9/2/2024	\$	0.52
9/3/2024	\$	0.52
9/4/2024	\$	0.52
9/5/2024	\$	0.52
9/6/2024	\$	0.52
9/7/2024	\$	0.52
9/8/2024	\$	0.52
9/9/2024	\$	2.94
9/10/2024	\$	2.94
9/11/2024	\$	2.94
9/12/2024	\$	21.36
9/13/2024	\$	21.36
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10/18/2024	\$	39.18
10/19/2024	\$	39.18
10/20/2024	\$	39.18
10/21/2024	\$	39.18
10/22/2024	\$	39.18
10/23/2024	\$	18.28
10/24/2024	\$	18.28
10/25/2024	\$	18.28
10/26/2024	\$	18.28
10/27/2024	\$	18.28
10/28/2024	\$	18.28
10/29/2024	\$	18.28
10/30/2024	\$	18.28
10/31/2024	\$	18.28
11/1/2024	\$	18.28
11/2/2024	\$	18.28
11/3/2024	\$	18.28
11/4/2024	\$	5.78
11/5/2024	\$	5.78
11/6/2024	\$	2.78
11/7/2024	\$	35.78
AVE	\$	13.04