

No. _____

**IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2024**

ADONIS BATISTA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION TO PROCEED IN FORMA PAUPERIS

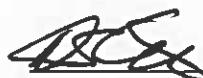
The Petitioner asks leave to file the attached petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has previously been granted leave to proceed *in forma pauperis* and with court-appointed counsel in the United States District Court for the Western District of Oklahoma and the United States Court of Appeals for the Tenth Circuit. Petitioner is represented by the lawyer who was appointed to represent him under the Criminal Justice Act in the federal district court and the court of appeals. The terms of counsel's appointment include the filing of a petition for writ of certiorari following the denial of

his direct appeal to the Tenth Circuit.

Petitioner is an inmate at USP Coleman I, a United States Penitentiary in Coleman, Florida. He is without funds to pay the necessary costs. Petitioner has submitted herewith a pauper's affidavit or declaration attesting to his inability to pay the necessary costs associated with this petition.

Respectfully submitted,



David Autry, OBA #11600
1021 N.W. 16th Street
Oklahoma City, OK 73106
(405) 521-9600
(405) 521-9669 [fax]
dbautry77@gmail.com

Counsel for Petitioner,
Adonis Batista

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Adonis Batista — PETITIONER
(Your Name)

VS.

United States of America 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):

United States District Court for the
Western District of Oklahoma, United States Court
of Appeals for the Tenth Circuit.

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: The
Criminal Justice Act, or

a copy of the order of appointment is appended.

Adonis Batista
(Signature) —

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

I, Adonis Botello, 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 <u>None</u>	Spouse <u>None</u>	You <u>None</u>	Spouse <u>None</u>
Employment	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

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
<u>None - never worked</u>			\$ _____
			\$ _____
			\$ _____

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
<u>None - no spouse</u>			\$ _____
			\$ _____
			\$ _____

4. How much cash do you and your spouse have? \$ None
 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
<u>None</u>	\$ _____	\$ _____
	\$ <u>None</u>	\$ <u>None</u>
	\$ _____	\$ _____

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 <u>None</u>	<input type="checkbox"/> Other real estate Value <u>None</u>
<input type="checkbox"/> Motor Vehicle #1 Year, make & model <u>None</u> Value <u>None</u>	<input type="checkbox"/> Motor Vehicle #2 Year, make & model <u>None</u> Value _____
<input type="checkbox"/> Other assets Description <u>None</u> Value <u>None</u>	

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
<u>None</u>	\$ <u>None</u>	\$ <u>None</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").

Name	Relationship	Age
<u>None</u>	<u>None</u>	<u>None</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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>None</u>	\$ <u>None</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)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>1</u>	\$ <u>1</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>1</u>	\$ <u>1</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>160 per</u>	\$ <u>No spouse</u>
Life	\$ <u>1</u>	\$ <u>1</u>
Health	\$ <u>1</u>	\$ <u>1</u>
Motor Vehicle	\$ <u>1</u>	\$ <u>1</u>
Other: _____	\$ <u>1</u>	\$ <u>1</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>No tax</u>	\$ <u>No tax</u>
Installment payments		
Motor Vehicle	\$ <u>1</u>	\$ <u>1</u>
Credit card(s)	\$ <u>1</u>	\$ <u>1</u>
Department store(s)	\$ <u>1</u>	\$ <u>1</u>
Other: _____	\$ <u>1</u>	\$ <u>1</u>
Alimony, maintenance, and support paid to others		
Regular expenses for operation of business, profession, or farm (attach detailed statement)		
Other (specify): _____	\$ <u>1</u>	\$ <u>1</u>
Total monthly expenses:	\$ <u>1</u>	\$ <u>1</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.

N/A

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? *N/A*

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

N/A

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? *N/A*

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

N/A

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

*I am currently unemployed and have been
incarcerated since 2021.*

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

Executed on: *February 23*, 2025

Kathy Bristo
(Signature)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA)

)

)

VS.)

)

)

)

)

)

)

)

Adonis Batista

Defendant)

)

Case Number: CR-22-374-PRW

ORDER APPOINTING COUNSEL

The above-named defendant having completed an affidavit as to financial ability to employ counsel, and upon review, the Court finds:

That the affiant is financially unable to obtain counsel.

Federal Public Defender is appointed to represent the above-named defendant in all further proceedings unless and until relieved by order of the Court. _____

Federal Public Defender shall forth with furnish the name of a private attorney for appointment to represent the defendant. David B. Autry

That the defendant is eligible for appointment of counsel, but has income or assets in excess of that needed for support of defendant and dependents, and therefore:

Defendant will reimburse the government for the cost of providing representation commensurate with his / her ability to pay as determined by further order of the Court. _____

That Defendant is not eligible for appointment of counsel but is entitled to both an immediate hearing and to the assistance of counsel and therefore,

The Federal Public Defender is temporarily appointed to represent the defendant for purposes of initial appearance only.

Wednesday, November 23, 2022

Date



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE

David Batista

GIA-23
(Rev. 3/21)

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES DISTRICT COURT COURT OF APPEALS

IN THE CASE OF

United States

v. Batista

 OTHER (Specify Below)FOR
Western District of Oklahoma

AT

LOCATION
NUMBER

PERSON REPRESENTED (Show your full name)

Adonis Batista

CHARGE/OFFENSE (Describe if applicable & check box→)

 Felony Misdemeanor

1 Defendant - Adult
 2 Defendant - Juvenile
 3 Appellant
 4 Probation Violator
 5 Supervised Release Violator
 6 Habeas Petitioner
 7 2255 Petitioner
 8 Material Witness
 9 Other (Specify) _____

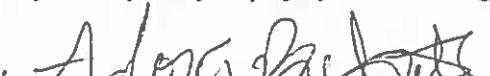
DOCKET NUMBERS
Magistrate JudgeDistrict Court
CR-22-374-PRW

Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT		Do you have a job? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, how much do you earn per month? _____ Will you still have a job after this arrest? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown																																								
INCOME & ASSETS	PROPERTY	Do you own any of the following, and if so, what is it worth? APPROXIMATE VALUE DESCRIPTION & AMOUNT OWED																																								
		Home \$ _____	Car/Vehicle \$ _____																																							
	Boat \$ _____	Stocks/bonds \$ _____																																								
	Other property \$ _____																																									
CASH & BANK ACCOUNTS		Do you have any cash, or money in savings or checking accounts? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, give the total approximate amount after monthly expenses \$ _____																																								
OBLIGATIONS, EXPENSES, & DEBTS	How many people do you financially support? <u>5</u>		<table border="1"> <thead> <tr> <th>BILLS & DEBTS</th> <th>MONTHLY EXPENSE</th> <th>TOTAL DEBT</th> </tr> </thead> <tbody> <tr> <td>Housing</td> <td>\$ <u>1605</u></td> <td>\$ _____</td> </tr> <tr> <td>Groceries</td> <td>\$ <u>200</u></td> <td>\$ _____</td> </tr> <tr> <td>Medical expenses</td> <td>\$ _____</td> <td>\$ <u>20,000</u></td> </tr> <tr> <td>Utilities</td> <td>\$ <u>160-200</u></td> <td>\$ _____</td> </tr> <tr> <td>Credit cards</td> <td>\$ _____</td> <td>\$ <u>700</u></td> </tr> <tr> <td>Car/Vehicle</td> <td>\$ <u>878 (dontowncar)</u></td> <td>\$ _____</td> </tr> <tr> <td>Childcare</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Child support</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Insurance</td> <td>\$ <u>141</u></td> <td>\$ _____</td> </tr> <tr> <td>Loans</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Fines</td> <td>\$ _____</td> <td>\$ <u>1000</u></td> </tr> <tr> <td>Other <u>all</u></td> <td>\$ <u>180</u></td> <td>\$ _____</td> </tr> </tbody> </table>	BILLS & DEBTS	MONTHLY EXPENSE	TOTAL DEBT	Housing	\$ <u>1605</u>	\$ _____	Groceries	\$ <u>200</u>	\$ _____	Medical expenses	\$ _____	\$ <u>20,000</u>	Utilities	\$ <u>160-200</u>	\$ _____	Credit cards	\$ _____	\$ <u>700</u>	Car/Vehicle	\$ <u>878 (dontowncar)</u>	\$ _____	Childcare	\$ _____	\$ _____	Child support	\$ _____	\$ _____	Insurance	\$ <u>141</u>	\$ _____	Loans	\$ _____	\$ _____	Fines	\$ _____	\$ <u>1000</u>	Other <u>all</u>	\$ <u>180</u>	\$ _____
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I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT
(OR PERSON SEEKING REPRESENTATION)

11-22-2022

Date

FILED
United States Court of Appeal
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 27, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ADONIS BATISTA, a/k/a A-1,

Defendant - Appellant.

No. 23-6204
(D.C. No. 5:22-CR-00374-PRW-1)
(W.D. Okla.)

ORDER

Before MATHESON and BACHARACH, Circuit Judges.

This matter is before the court on attorney David B. Autry's Motion to Continue Representation in CJA Case (the "Motion"). Upon consideration, the Motion is granted. Pursuant to 18 U.S.C. § 3006A, David B. Autry is appointed as counsel of record to represent Appellant Adonis Batista. This appointment is effective *nunc pro tunc* to the date the notice of appeal was filed in this matter.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



by: Lara Smith
Counsel to the Clerk

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

December 27, 2023

Mr. David B. Autry
1021 N.W. 16th Street
Oklahoma City, OK 73106-0000

RE: 23-6204, United States v. Batista
Dist/Ag docket: 5:22-CR-00374-PRW-1

Dear Counsel:

You have been appointed as counsel for appellant under the Criminal Justice Act, 18 U.S.C. 3006A. The order appointing you has been docketed in the above-referenced appeal.

Effective July 20, 2015, all Tenth Circuit Appellate Criminal Justice Act ("CJA") vouchers must be prepared and submitted electronically via eVoucher. eVoucher is a nationally-supported, web-based solution for the preparation, submission, monitoring and approval of CJA vouchers. The Tenth Circuit's eVoucher database can be accessed by clicking [here](#), or by pasting the following URL into your web browser:

https://evsdweb.ev.uscourts.gov/CJA_c10_prod/CJAeVoucher/

For eVoucher Technical Support please review the Court's [eVoucher Resources Page](#) (<http://www.ca10.uscourts.gov/cja/evoucher>), or contact the Clerk's Office at (303) 844-3157 or eVoucher@ca10.uscourts.gov.

For substantive questions regarding the content of a voucher, required documentation, and related issues please consult the Court's [CJA Policies and Procedures Webpage](#) (<http://www.ca10.uscourts.gov/cja/tenth-circuit-and-national-cja-policies-and-procedures>), or contact a CJA case analyst at (303) 844-5306 or CJA_Vouchers@ca10.uscourts.gov.

If an adverse decision is rendered you must advise your client of the right to seek review of this court's decision by petition for writ of certiorari. If the client requests, and you believe a petition for writ of certiorari to be legally sound, you must file one with the Clerk of the Supreme Court of the United States. *See* Criminal Justice Act Plan, 10th Cir. R., Addendum I. If you claim compensation on the CJA 20 voucher for services rendered

in petitioning for certiorari, you must attach a PDF copy of the petition in the "Documents" tab of your electronic voucher.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

cc: Travis Leverett
Thomas Blanchard Snyder

CMW/art