

IN THE
SUPREME COURT OF THE UNITED STATES

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Comes now Samuel E. Buffaloe, attorney for Petitioner, Richard Darren Emery, who is incarcerated in the Potosi Correctional Center, Missouri Department of Corrections, to ask leave to file the attached Petition for Writ of Certiorari in the Supreme Court of the United States without prepayment of costs and to proceed *in forma pauperis*.

1. Petitioner Emery is presently housed in the Missouri Department of Corrections at the Potosi Correctional Center.

2. Petitioner Emery has been represented throughout his case at trial and on appeal by the Missouri State Public Defender because he cannot afford an attorney.

3. Petitioner Emery was granted leave to proceed *in forma pauperis* on appeal in the Circuit Court of St. Charles County on November 3, 2022. A copy of that order is attached.

4. Petitioner Emery has insufficient assets to pay the costs of this case.

His affidavit statement in support of this motion is attached.

WHEREFORE, Petitioner Emery prays this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully submitted,



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IN THE CIRCUIT COURT OF ST. CHARLES COUNTY
STATE OF MISSOURI

FILED

NOV 03 2022

CIRCUIT CLERK
ST. CHARLES CO.

Order Granting Defendant Leave To Appeal In Forma Pauperis

Now on this day, the court having considered defendant's motion to perfect an appeal as a poor person, finds that the defendant is totally without means or resources and is a poor person within the meaning of the law.

IT IS THEREFORE ORDERED: the defendant be permitted to perfect his appeal as a poor person, the Office of the Public Defender is hereby appointed to represent defendant on appeal, the court reporter shall prepare the transcript of the record in this cause, including a copy to be furnished defendant or appointed counsel, and this and other incidental costs of the appeal shall be paid by the State of Missouri. The clerk is directed to accept, file and make a part of the record defendant's Notice of Appeal without a filing fee.

Dated this 3rd day of November, 2022.

So Ordered:

Circuit Judge

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

I, Richard Darren Emery, 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>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Self-employment	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Gifts	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Alimony	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Child Support	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Other (specify): <u>State tip</u>	\$ <u>8.50</u>	\$ <u>NA</u>	\$ <u>8.50</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>8.50</u>	\$ <u>NA</u>	\$ <u>8.50</u>	\$ <u>NA</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
NA			\$
NA			\$
NA			\$

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
NA			\$
NA			\$
NA			\$

4. How much cash do you and your spouse have? \$ X
 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
	\$	\$
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
 Value NA

Other real estate
 Value NA

Motor Vehicle #1
 Year, make & model NA
 Value _____

Motor Vehicle #2
 Year, make & model NA
 Value _____

Other assets
 Description NA
 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
<u>NA</u>	\$ _____	\$ _____
<u>NA</u>	\$ _____	\$ _____
<u>NA</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>NA</u>	_____	_____
<u>NA</u>	_____	_____
<u>NA</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>Q</u>	\$ <u>Q</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>Q</u>	\$ <u>Q</u>
Home maintenance (repairs and upkeep)	\$ <u>Q</u>	\$ <u>Q</u>
Food	\$ <u>Q</u>	\$ <u>Q</u>
Clothing	\$ <u>Q</u>	\$ <u>Q</u>
Laundry and dry-cleaning	\$ <u>Q</u>	\$ <u>Q</u>
Medical and dental expenses	\$ <u>Q</u>	\$ <u>Q</u>

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

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? _____

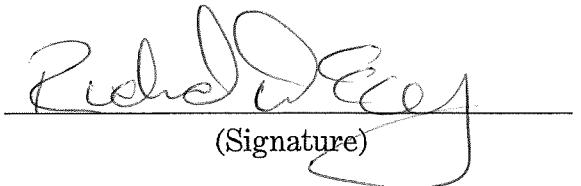
If yes, state the person's name, address, and telephone number:

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

I am in prison.

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

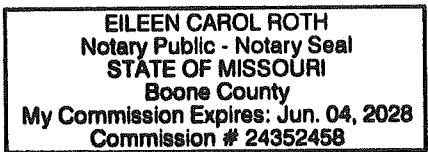
Executed on: 1-10, 2025


(Signature)

State of Missouri

County of Washington

On this 10 day of January in the year 2025, before me, the undersigned notary public, personally appeared Richard D. Emery, known to me to be the person(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.



Notary Public