

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2025

THE STATE OF OHIO

,

Petitioner,

v.

GARRY SMITH

Respondent.

**APPLICATION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

Respondent Garry Smith respectfully requests leave to file his Brief in Opposition to the State of Ohio's Petition for Writ of Certiorari to the Supreme Court of Ohio without prepayment of costs or fees and to proceed in forma pauperis pursuant to Rule 39. Respondent's has proceeded in forma pauperis through his litigation in the State Court. The Court's order finding petitioner indigent and appointing undersigned to represent him on direct appeal is attached.

Respectfully submitted,

/s/ Erika B. Cunliffe

ERIKA B. CUNLIFFE, Assistant Public Defender
CUYAHOGA COUNTY PUBLIC DEFENDER'S
OFFICE
Courthouse Square, Suite 200
310 Lakeside Avenue
Cleveland, Ohio 44113
216-443-7583
ecunliffe@cuyahogacounty.gov

Counsel for Respondent



115219189

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

THE STATE OF OHIO
Plaintiff

GARRY SMITH
Defendant

Case No: CR-20-651674-A

Judge: KELLY ANN GALLAGHER

INDICT: 2919.25 DOMESTIC VIOLENCE (PC) /PVS
2919.25 DOMESTIC VIOLENCE (PC)

JOURNAL ENTRY

DEFENDANT DECLARED INDIGENT.

ANY COSTS IMPOSED PURSUANT TO ORC 2743.70 AND ORC 2949.091 ARE HEREBY WAIVED.
COURT ASSIGNED BAKER, P. ANDREW AS COUNSEL, ATTORNEY WAS NOTIFIED BY EMAIL.
READING OF INDICTMENT WAIVED.

TWENTY-FOUR HOUR SERVICE WAIVED.

DEFENDANT PLEAD NOT GUILTY TO INDICTMENT.

ORIG BOND CONT AT 500.00 DOLLARS. BOND TYPE: CASH/SUR/PROP/10%.
BOND CONDITIONS: NO CONTACT WITH VICTIM, COURT SUPERVISED RELEASE
JUDGE CLANCY, MAUREEN (358) ASSIGNED (RANDOM).
FIRST PRETRIAL SET FOR 12/03/2020 AT 09:00 AM IN COURT ROOM JC20B JUDGE MAUREEN CLANCY.

Judge Signature

11/24/2020

11/24/2020

RECEIVED FOR FILING
11/24/2020 13:21:33
NAILAH K. BYRD, CLERK

Page 1 of 1