

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

BRIAN JOSEPH BREWNER, Petitioner,

vs.

STATE OF GEORGIA, Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

COMES NOW the Petitioner, Mr. Brian Joseph Brewner; and, pursuant to Sup. Ct. Rule 39.1, asks for leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

- 1) In pre-trial and trial proceedings, Petitioner was represented by appointed counsel due to his indigent status. *See*, O.C.G.A. § 15-1-5; Uniform Superior Court Rule 29.2; Hawkins v. State, 222 Ga. App. 461 (1996).
- 2) The Gwinnett County Superior Court in Georgia appointed the undersigned to represent Petitioner on appeal. *See*, O.C.G.A. § 15-1-5; Uniform Superior Court Rule 29.2. A copy of the appointment order is attached as Exhibit 1.
- 3) Petitioner remains indigent and wishes to pursue a writ of certiorari from this Court to the Supreme Court of Georgia, which affirmed his judgment

of conviction on August 14, 2017 and denied his motion for reconsideration on September 13, 2017.

WHEREFORE, Mr. Brewner asks this Court to grant his motion and allow him to proceed *in forma pauperis*.

Dated this 12th day of December, 2017.

Respectfully submitted,

FRANCES C. KUO
Supreme Court Bar No. 299215
Frances C. Kuo
214 Executive Building
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Tel: (404) 378-1241
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Counsel for Mr. Brian Joseph Brewner

EXHIBIT 1

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

BRIAN JOSEPH BRUNER
(Name, current address and phone no.)

: CASE NO. 15-B-3143-8
:
: WARRANT NO.
:
:
:
: OFFENSE(S): 1) Murder; 2-6) Felony
: Murder; 11) Agg. Assault; 12) Burglary;
: 13) Home Invasion; 14) Conspiracy to
: Commit a Crime; 15) Armed Robbery;
: 16-18) Agg. Assault; 19-20) False
: Imprisonment; 21) Cruelty to Children -
: First Degree; 22) Possession of Firearm
: by a First Offender Probationer

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
15 NOV -5 PM 4:34
RICHARD ALEXANDER, CLERK

APPOINTMENT OF COUNSEL FOR INDIGENT PERSON
(Superior Court)

The person named above has satisfied the court that s/he is financially unable to employ an attorney and does not waive an attorney. The attorney designated below shall represent the person and the appointment shall remain in effect until the case is completed or another attorney is appointed by the court or retained.

FRANCES KUO
#430440
214 EXECUTIVE BUILDING
125 EAST TRINITY PLACE
DECATUR, GEORGIA 30030
404-378-1241

SO ORDERED this 4 day of November, 2015.



R. TIMOTHY HAMIL, Judge
Gwinnett Superior Court