

No.: _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

October Term, 2017

Jason Springer

And

Rick Makohoniuk

Petitioners

vs.

United States of America

Respondent

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner, Jason Springer has not previously been granted leave to proceed in *forma pauperis* although he could have qualified. His attorney fees were paid for by his malpractice insurance company through trial at the district court level. He hired current counsel to handle the appeal to the Eighth Circuit Court of Appeals and has not been able to pay his fees. Current counsel has agreed to do this Writ of Certiorari for payment of \$500 and has agreed to do any further representation regarding this Writ of Jason Springer pro bono.

The Petitioner, Rick Makohoniuk has not previously been granted leave to proceed in *forma pauperis* although he could have qualified. He had a court appointed counsel through the district court level. He hired current counsel to handle the appeal to

the Eighth Circuit Court of Appeals and has not been able to pay his fees. Current counsel has agreed to do this Writ of Certiorari for payment of \$500 and has agreed to do any further representation regarding this Writ of Jason Springer pro bono.


JUDITH O'DONOHUE - AT0005849 of
ELWOOD, O'DONOHUE,
BRAUN & WHITE, LLP.
116 North Main Street, P.O. Box 307
Charles City, IA 50616
(641) 228-8054 - Telephone
(641) 228-8057 - Fax
charlescity@elwoodlawfirm.com

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

I, Jason Springer, 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>NA</u>	\$ <u>0</u>	\$ <u>-</u>	\$ <u>-</u>
Self-employment	\$ <u>4,775 4,000.00</u>	\$ <u>0</u>	\$ <u>6,000</u>	\$ <u>-</u>
Income from real property (such as rental income)	\$ <u>4,775 3,800</u>	\$ <u>-</u>	\$ <u>3,800</u>	\$ <u>-</u>
Interest and dividends	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Gifts	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Alimony	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Child Support	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Disability (such as social security, insurance payments)	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Unemployment payments	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Public-assistance (such as welfare)	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>
Other (specify): <u>Food Stamps</u>	\$ <u>775</u>	\$ <u>-</u>	\$ <u>775.00</u>	\$ <u>-</u>
Total monthly income:	\$ <u>8,575.00</u>	\$ <u>-</u>	\$ <u>10,575.00</u>	\$ <u>-</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
ABC Roofing	3313 200R	4/16 - present	\$ 4,000.00
Springer Law	1200 Valley Way P.O. Box 208 WAM, IA, 50266	10/14 - 11/16	\$ 8,000.00

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
UA			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 1500
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
Earlham Savings Bank	Checking	\$ 500	\$ -
Central Bank	Checking	\$ 4,000	\$ -

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

☒ Home
Value 600,000.00

☒ Other real estate
Value 350,000

☒ Motor Vehicle #1
Year, make & model 09 Chevy Suburban
Value 10,000

☒ Motor Vehicle #2
Year, make & model 14 Dodge Ram
Value 20,000.00

☐ Other assets
Description _____
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
Joe Nostrow	\$ 2800	\$
Bob Craver	\$ 1500	\$
Ed Lint Estate	\$ 3,000	\$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
Josie Spryger	daughter	14
Jennifer Spryger	daughter	13
Sam Spryger	daughter	9
Brady Spryger	son	8
Swan Spryger	son	6

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)	\$ 5900.00	\$
Are real estate taxes included?	☒ Yes ☐ No	
Is property insurance included?	☐ Yes ☐ No	
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 920	\$
Home maintenance (repairs and upkeep)	\$ 100.00	\$
Food	\$ 800.00	\$
Clothing	\$ 150.00	\$
Laundry and dry-cleaning	\$ 150.00	\$
Medical and dental expenses	\$	\$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>700</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>200</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ <u>15.00</u>	\$ _____
Health	\$ <u>-</u>	\$ _____
Motor Vehicle	\$ <u>240.00</u>	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ <u>950</u>	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: <u>Student loan</u>	\$ <u>500</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>10,775.00</u>	\$ <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.

*Yes because I can have my
law license reinstated Nov. 2018*

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:

Judy O'Donohue

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? _____

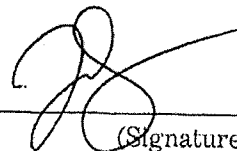
If yes, state the person's name, address, and telephone number:

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

*Our bills are higher
than our income*

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

Executed on: 12-13, 2017


(Signature)

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

I, Rick Makohonick, 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	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>2000</u>	\$ _____	\$ <u>2000</u>	\$ 2000
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child Support	\$ _____	\$ <u>700</u>	\$ _____	\$ <u>700</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ <u>400</u>	\$ _____	\$ <u>815</u>
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>2000</u>	\$ <u>1100</u>	\$ <u>2000</u>	\$ <u>1515</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
N/A			
			\$
			\$
			\$

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? \$ 1000 300
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
COMMUNITY CHOICE	SAVINGS/CHECKING	\$ <u>0</u>	\$ <u>THIS ACCOUNT HAS MONEY THAT CHECKS HAVE ALREADY BEEN WRITTEN</u>
AMERICAN TRUST		\$ <u>300</u>	\$ <u>NOT OUR MONEY</u>
WESTBANK		\$ <u>5859</u>	\$ <u>TENANTS SECURITY DEPOSITS</u>

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

Asset	Value	Debt
☐ Home	Value <u>400,000</u>	
	<u>280,000</u> DEBT	
	<u>120,000</u> NET VALUE	
☒ Other real estate	Value <u>520,000</u>	
	<u>232</u>	
	<u>\$288,000</u> NET	
☒ Motor Vehicle #1	Year, make & model <u>1965 MUSTANG CONVERTIBLE</u>	
	Value <u>20,000</u>	
	<u>2004 HONDA</u> <u>000564</u>	
	<u>3000</u>	
☒ Motor Vehicle #2	Year, make & model <u>2002 CHEVY PICKUP</u>	
	Value <u>750.00</u>	
	<u>2010 CHEVY VAN</u>	
	<u>6000</u>	
	<u>1997 WINNEBAGO</u>	
	<u>5000</u>	
☐ Other assets	Description _____	
	Value _____	

THIS FORM DID NOT ASK FOR LIABILITIES THAT OFFSET THE ASSETS.

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
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
TAYLOR MAKOHONIK	SON	23
MONET	DAUGHTER	25
BROOKE TRAMPEL	DAUGHTER	17
ELLA MAKOHONIK	DAUGHTER	10
SAM	SON	8
MAKS	SON	6
FRED	SON	4
BEN NICK	SON	2

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)	\$ 2292	\$ _____
Are real estate taxes included? ☐ Yes ☒ No		
Is property insurance included? ☐ Yes ☒ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 450	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ 1000	\$ _____
Clothing	\$ 200	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>100</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>100</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>160.00</u>	\$ _____
Life	\$ <u>150</u>	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>HOME REAL ESTATE TAX</u>	\$ <u>700</u>	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>CRIMINAL FINE \$40,000</u> <u>MISC EXPENSES</u>	\$ <u>111</u> <u>500</u>	\$ _____
Total monthly expenses:	\$ <u>5763</u>	\$ _____

ALL INCOME & EXPENSE ARE JOINT WITH SPOUSE.
WE WORK TOGETHER.

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.

I AM PLANNING TO BE BACK TO NORMAL AND START EARNING A RESPECTABLE INCOME. ONCE I AM OFF PROBATION I CAN START TO BORROW MONEY AND INVEST AND EARN MORE MONEY.

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? WHAT EVER SHE CHARGES ME.

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

JUDY O'DONOGHUE
116 N. MAIN ST.
CHARLESTON IA 50616

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:

WE HAVE BEEN SELLING OUR RENTAL PROPERTIES TO AFFORD TO LIVE & PAY BILLS.
12. Provide any other information that will help explain why you cannot pay the costs of this case.

I HAVE A WIFE AND 11 CHILDREN. I WAS CONVICTED OF A CRIME AND LOST MY REAL ESTATE LICENSE AND THE ABILITY TO EARN AN INCOME ENOUGH TO SUPPORT MY FAMILY. I CAN NOT BORROW MONEY TO PURCHASE REAL ESTATE. MY REPUTATION HAS BEEN DAMAGED AND IT IS VERY HARD TO GET BACK TO THE LIFE I ONCE HAD.

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

Executed on: 12-15, 2017


(Signature)

AFFIDAVIT OF JUDITH O'DONOHUE

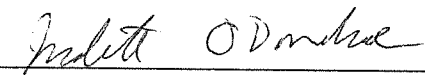
State of Iowa)
)ss:
County of Floyd)

I, Judith O'Donohoe, depose and states as follows:

1. I was hired by Jason Springer, who had his attorney fees through the district trial verdict paid for by his malpractice insurance and Rick Makohoniuk, who had a court appointed attorney through the verdict in the district court, to represent them in their appeal at the Eighth Circuit Court of Appeals.

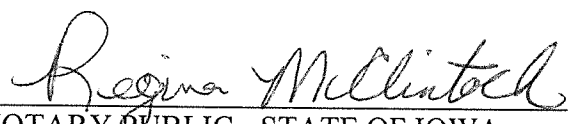
2. To date, both Jason Springer and Rick Makohoniuk owe me for my services for the appeal at the Eighth Circuit.

3. I agreed to represent both Jason Springer and Rick Makohoniuk for \$500 each in the preparation of the Writ of Certiorari and then pro bono for further representation of this matter.



Judith O'Donohoe

26th Sworn and subscribed to before me a Notary Public by Judith O'Donohoe on this day December, 2017.



NOTARY PUBLIC - STATE OF IOWA

