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'DONOHOE - AT0005849 of
ELWOOD, O'DONOHOE,
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	$ NA	$ 0	$ —	$ —
Self-employment	$ 4,000.00	$ 0	$ 6,000	$ —
Income from real property (such as rental income)	$ 3,800	$ —	$ 3,800	$ —
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): Food Stamps	$ 775	$ —	$ 775.00	$ —
Total monthly income:	$ 8575.00	$ —	$ 10,575.00	$ —

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	33643 200th Spur Pke Mabel	4/16 - present	$ 4,000.00
Springer Law	1200 Valley West Dr, Ste 208 WDM, 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
NA			$
			$
			$

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	$ 4000	$ -
		$	$

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 Nastrwz	$ 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 Springer	daughter	~~18~~ 14
Jenner Springer	daughter	~~13~~ 13
Sara Springer	daughter	~~8~~ 9
~~Brady Springer~~	~~son~~	
Sawyer Springer	son	8
Lake Springer	son	4

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) including rental property Are real estate taxes included? ☒ Yes ☐ No Is property insurance included? ☐ Yes ☐ No	$ 5900.00	$ —
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)	$ 800	$
Recreation, entertainment, newspapers, magazines, etc.	$ 200 –	$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$	$
Life	$ 85.00	$
Health	$ –	$
Motor Vehicle	$ 240.00	$
Other:	$	$
Taxes (not deducted from wages or included in mortgage payments)		
(specify):	$	$
Installment payments		
Motor Vehicle	$ 950	$
Credit card(s)	$	$
Department store(s)	$	$
Other: Student Loan	$ 500 –	$
Alimony, maintenance, and support paid to others	$	$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$	$
Other (specify):	$	$
Total monthly expenses:	$ 10,775.00	$ –

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 mAkOnonick., 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	$ 2000	$	$ 2000	$ ~~2000~~
Income from real property (such as rental income)	$	$	$	$
Interest and dividends	$	$	$	$
Gifts	$	$	$	$
Alimony	$	$	$	$
Child Support	$	$ 700	$	$ 700
Retirement (such as social security, pensions, annuities, insurance)	$	$	$	$
Disability (such as social security, insurance payments)	$	$	$	$
Unemployment payments	$	$	$	$
Public-assistance (such as welfare)	$	$ 400	$	$ 815
Other (specify):	$	$	$	$
Total monthly income:	$ 2000	$ 1100	$ 2000	$ 1515

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			$
			$
			$

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			$
			$
			$

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.	$ Ø	$ THIS ACCOUNT HAS MONEY THAT ~~CHECK HAVE~~ ALREADY BEEN WRITTEN
AMERICAN TRUST		$ 300	$
WESTBANK.		$ 5859	$ NOT OUR MONEY TENANTS SECURITY DEPOSITS

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

☐ Home
Value 400,000
280,000 DEBT
120,000 NET VALUE

☒ Other real estate
Value 520,000
232
#288,000 NET VALUE

VALUE	DEBT
180,000	83,000
150,000	114,000
70,000	35,000
70,000	0
50,000	0
520,000	232,000

☐ Motor Vehicle #1
Year, make & model 1965 MUSTANG CONVERTIBLE
Value 20,000
2004 HONDA ODYSSEY
3000

☒ Motor Vehicle #2
Year, make & model 2002 CHEVY PICK UP.
Value 750.00
2010 CHEVY VAN
6000
1997 WINNEBAGO
5000

☐ Other assets
Description
Value

THIS FORM DID NOT ASK FOR LIABILTIES 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 MAKOHONIUK	SON	23
MONET "	DAUGHTER	25
BROOKE TRAMPEL	DAUGHTER	17
ELLA MAKOHONIUK.	DAUGHTER	10
SAM	SON	8
MAKS	SON	6
FRED	SON	4
BEN	SON	2
NICK	SON	6 MO

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) Are real estate taxes included? ☐ Yes ☒ No Is property insurance included? ☐ Yes ☒ No	$ 2292	$
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)	$ 100	$
Recreation, entertainment, newspapers, magazines, etc.	$ 100	$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$ 160.00	$
Life	$ 150	$
Health	$	$
Motor Vehicle	$	$
Other:	$	$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): HOME REAL ESTATE TAX	$ 700	$
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): CRIMINAL FINE #40,000 MISC EXPENSES	$ 111 500	$
Total monthly expenses:	$ 5763	$

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 GE BACK TO NORMAL AND START EARING 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 ODONOHOE
116 N. MAIN ST.
CHARLE CITY 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 ABILTY 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 NEW.

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

Executed on: 12-15, 2017

(Signature)

AFFIDAVIT OF JUDITH O'DONOHOE

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 Circcuit.

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

Judith O'Donohoe

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

Regina McClintock

NOTARY PUBLIC - STATE OF IOWA

REGINA R. McCLINTOCK
Commission Number 153544
My Commission Expires
10-12-2019