

IN THE SUPREME COURT OF THE UNITED STATES

_____ TERM, 2017

TIMOTHY M. JACOBY,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

**CORRECTED PETITIONER'S MOTION TO PROCEED
IN FORMA PAUPERIS**

Timothy M. Jacoby, is a death-sentenced prisoner in the custody of the Commonwealth of Pennsylvania. He moves pursuant to Rule 39 for permission to proceed as a poor person with regard to his *Petition for Writ of Certiorari*, and in support states the following.

He has been incarcerated since his arrest in 2012. Mr. Jacoby is currently without adequate funds to pay for counsel or the costs of these proceedings. Undersigned counsel represents him *pro bono*, in these proceedings.

Attached is the Court's form *Affidavit or Declaration in Support of Motion to Proceed In Forma Pauperis*. It has been completed and signed by Mr. Jacoby and contains a statement of his prison account.

WHEREFORE, counsel requests that the Court permit Mr. Jacoby to proceed

In Forma Pauperis in these certiorari proceedings.

Respectfully Submitted,

/s/ Michael Wiseman

Michael Wiseman
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Swarthmore, PA 19081
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Dated: March 20, 2018

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

I, Timothy M Jacoby, 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 <i>Inmate General Labor pool</i>	\$ <u>13.68</u>	\$ <u>0</u>	\$ <u>13.68</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>10.00</u>	\$ <u>0</u>	\$ <u>10.00</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>23.68</u>	\$ <u>0</u>	\$ <u>23.68</u>	\$ <u>0</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
PA Dept of Corrections	SCI GREEN	DON'T WORK,	\$ 13.68
	175 Progress Dr	JUST ON GLP	\$
	Waynesburg, PA		\$

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
NO SPOUSE			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 370.75
Below, state any money you or your spouse have in bank accounts or in any other financial institution. NONE

Financial institution	Type of account	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. NONE

☐ Home Value _____	☐ Other real estate Value _____
☐ Motor Vehicle #1 Year, make & model _____ Value _____	☐ Motor Vehicle #2 Year, make & model _____ Value _____
☐ 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
None	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
None	_____	_____
_____	_____	_____
_____	_____	_____

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)	\$ _____ 0	\$ _____ 0
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____ 0	\$ _____ 0
Home maintenance (repairs and upkeep)	\$ _____ 0	\$ _____ 0
Food	\$ _____ 0	\$ _____ 0
Clothing	\$ _____ 0	\$ _____ 0
Laundry and dry-cleaning	\$ _____ 0	\$ _____ 0
Medical and dental expenses	\$ _____ 0	\$ _____ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc. <i>TV cable</i>	\$ <u>17.00</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>Act 89 deductions</u>	\$ <u>2.74</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Postage</u>	\$ <u>5.00</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>24.74</u>	\$ <u>0</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.

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? _____

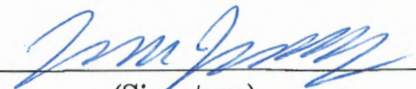
If yes, state the person's name, address, and telephone number:

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

I am a State Inmate.

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

Executed on: March 1, 2018


(Signature)



Integrated Offender Case Management System

1/2/2018 6:35:37 AM

Monthly Account Statement

From Date: 12/01/2017

To Date: 01/01/2018

Housing	Case ID	Offender Name	Location
L-B-2030-01	KT5358	JACOBY, TIMOTHY	Greene

Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
GRN-031835	12/05/2017	37 - Postage	-0.66	421.74
GRN-031845	12/06/2017	37 - Postage	-0.46	421.28
GRN-031845	12/06/2017	37 - Postage	-0.46	420.82
GRN-031864	12/07/2017	32 - Commissary (GRN COMMISSARY FOR 12/07/2017)	-13.79	407.03
GRN-031865	12/07/2017	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+13.68	420.71
GRN-031865	12/07/2017	50 - Act 84 (CP-67-CR-0005892-2011)	-2.74	417.97
GRN-031891	12/11/2017	37 - Postage (INTERNATIONAL)	-4.16	413.81
GRN-031927	12/14/2017	37 - Postage	-0.46	413.35
GRN-031927	12/14/2017	37 - Postage	-0.66	412.69
GRN-031932	12/14/2017	32 - Commissary (GRN COMMISSARY FOR 12/14/2017)	-13.96	398.73
GRN-031935	12/14/2017	32 - Commissary (GRN COMMISSARY CR FOR 12/14/2017)	+1.13	399.86
GRN-031947	12/15/2017	37 - Postage	-1.82	398.04
GRN-031980	12/20/2017	32 - Commissary (GRN COMMISSARY FOR 12/20/2017)	-3.22	394.82
GRN-032022	12/26/2017	36 - Library Copies (LIBRARY COPIES)	-0.60	394.22
GRN-032021	12/26/2017	37 - Postage	-0.66	393.56
GRN-032041	12/27/2017	32 - Commissary (GRN COMMISSARY FOR 12/27/2017)	-6.10	387.46
GRN-032055	12/28/2017	34 - Cable	-17.00	370.46

Current, Escrow, & Available Balances are as of 1/2/2018 6:35:37 AM				
Current Balance	370.46			
Escrow Balance	0.00			
Available Balance	370.46			