

No. 17

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

JAMES AREN DUCKETT,
Petitioner,

-v.-

STATE OF FLORIDA,
Respondent.

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

THIS IS A CAPITAL CASE

Pursuant to Rule 39 of the Rules of this Court, Petitioner JAMES AREN DUCKETT respectfully moves this Court for leave to file his accompanying Petition for a Writ of Certiorari to the Supreme Court of Florida without prepayment of fees and costs and to proceed *in forma pauperis*,

Mr. Duckett was declared indigent and permitted to proceed *in forma pauperis* by the Circuit Court of the Fifth Judicial Circuit, in and for Lake County, Florida, on May 6, 1992. *See* Attachment 1. Mr. Duckett has proceeded in this status in all subsequent filings.

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

Respectfully submitted this 28th day of March, 2018.

Respectfully submitted,

Mary Elizabeth Wells
Counsel for Mr. Duckett

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ATTACHMENT 1

IN THE CIRCUIT COURT OF THE
FIFTH JUDICIAL CIRCUIT, IN
AND FOR LAKE COUNTY, FLORIDA

CASE NOS. 87-1347CF
88-0262CF

STATE OF FLORIDA,

Plaintiff,

v.

JAMES AREN DUCKETT,

Defendant.

ORDER DETERMINING CONTINUING INDIGENCY
TO INITIATE AND TO PROSECUTE
POST-CONVICTION PROCEEDINGS

This action was heard on Defendant's Motion for
Determination of Continuing Indigency to Initiate and to
Prosecute Post-Conviction Proceedings, and

IT IS ADJUDGED that:

1. Defendant is a prisoner presently under sentence of death in the State of Florida.
2. Defendant is indigent and unable to pay for the services of a post-conviction attorney or for the costs attendant to a Rule 3.850 capital post-conviction proceeding.
3. Pursuant to section 27.702, Florida Statutes (1987), Defendant is entitled to the services of the Office of the Capital Collateral Representative (CCR) to investigate, to file and to litigate a Rule 3.850 motion to vacate judgment of conviction and sentence of death.

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4. Pursuant to section 57.081, Florida Statutes (1987), Defendant, as an indigent death-sentenced inmate, is entitled to receive the services of the courts, sheriffs, and clerks of this State to initiate and to prosecute this collateral action without charge.

5. In the event an appeal is filed by either the State of Florida or Defendant to review an adverse ruling on the Rule 3.850 motion, all costs allowed by law incident to the appeal (including, but not limited to, the costs for preparation of the transcript of proceedings) shall be paid by the Board of County Commissioners.

6. CCR shall, within thirty (30) days after the rendition of an order granting or denying relief on the Rule 3.850 motion, file with the Court a supplemental motion for the payment of any expert witness fees or extraordinary expenses sought to be adjudged against and paid by the Board of County Commissioners. The motion shall set forth the names and addresses of the obligees and the amount of the obligations. A copy of the unpaid invoices shall be attached to the supplemental motion.

7. If counsel for Plaintiff does not object to the fees, costs and expenses set forth in the supplemental motion, CCR shall prepare an Order Directing Payment of Costs Incurred by Indigent Defendant.

8. If the counsel for Plaintiff does object to any of the submitted invoices, a hearing shall be scheduled on the matters in dispute.

ORDERED in West Palm Beach, Florida, on May 6, 1992.

Jerry T. Lovelace
CIRCUIT JUDGE

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