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No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
October term, 2017

OSVALDO BENITEZ, JR. — PETITIONER
(Your Name)

VS.

STATE OF FLORIDA — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

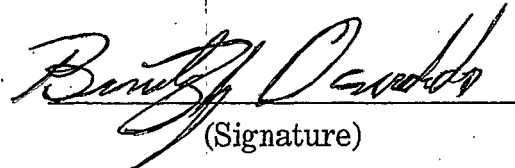
The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

10th Judicial Circuit Court, FL / 2nd District Court of Appeal, FL,
Florida Supreme Court / U.S. District Court, Southern District,

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.


(Signature)

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

I, Oswaldo Benitez, JR., 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>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Self-employment	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Income from real property (such as rental income)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Interest and dividends	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Gifts	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Alimony	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Child Support	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Disability (such as social security, insurance payments)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Unemployment payments	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Public-assistance (such as welfare)	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Other (specify): <u>N/A</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>
Total monthly income:	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</u>	\$ <u>Ø</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	123	1/1	1000
DEF	456	2/1	1200
GHI	789	3/1	1500

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
ABC	123	1/1	1000
DEF	456	2/1	1200
GHI	789	3/1	1500

4. How much cash do you and your spouse have? 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
ABC	123	1000	500
DEF	456	2000	1000
GHI	789	3000	1500

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

Asset	Value	Other real estate	Motor Vehicle	Year, make & model	Value	Other assets	Description	Value
Home	123,456	☒	Motor Vehicle	2010, Ford, Taurus	15,000	☒	Other assets	10,000
Other real estate	50,000	☒	Motor Vehicle	2008, Toyota, Camry	10,000	☒	Other assets	5,000
Motor Vehicle	10,000	☒	Motor Vehicle	2005, Honda, Civic	8,000	☒	Other assets	3,000
Year, make & model	2005, Honda, Civic	☒	Motor Vehicle	2003, Nissan, Altima	7,000	☒	Other assets	2,000
Value	7,000	☒	Motor Vehicle	2001, Chevrolet, Impala	6,000	☒	Other assets	1,000
Other assets	1,000	☒	Motor Vehicle	1999, Oldsmobile, Aurora	5,000	☒	Other assets	1,000
Description	1999, Oldsmobile, Aurora	☒	Motor Vehicle	1997, Buick, Wildcat	4,000	☒	Other assets	1,000
Value	4,000	☒	Motor Vehicle	1995, Pontiac, Firebird	3,000	☒	Other assets	1,000
Other assets	1,000	☒	Motor Vehicle	1993, Oldsmobile, Cutlass Supreme	2,000	☒	Other assets	1,000
Description	1993, Oldsmobile, Cutlass Supreme	☒	Motor Vehicle	1991, Oldsmobile, Cutlass Supreme	1,000	☒	Other assets	1,000
Value	1,000	☒	Motor Vehicle	1989, Oldsmobile, Cutlass Supreme	1,000	☒	Other assets	1,000

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

N/A

\$ 0
\$ 0
\$ 0

\$ 0
\$ 0
\$ 0

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

Name

Relationship

Age

N/A

N/A

N/A

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 N/A

\$ 0

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 0 N/A

\$ 0

Home maintenance (repairs and upkeep)

\$ 0 N/A

\$ 0

Food

\$ 0 N/A

\$ 0

Clothing

\$ 0 N/A

\$ 0

Laundry and dry-cleaning

\$ 0 N/A

\$ 0

Medical and dental expenses

\$ 0 N/A

\$ 0

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

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? N/A

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? N/A

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.

Incarcerated in State Prison

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

Executed on: April 02, 2018

Bernice O. Ombao
(Signature)

(6)