

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FREDERICK S. SMITH,

Petitioner,

vs.

STATE OF WISCONSIN,

Respondent.

On Petition for a Writ of Certiorari
to the Supreme Court of Wisconsin

**MOTION FOR LEAVE TO PROCEED IN FORMA
PAUPERIS**

Petitioner, Frederick S. Smith, by his attorney, Christopher D. Sobic, respectfully moves the Court to enter an order permitting him to proceed *in forma pauperis*. As grounds for, and in support of his motion, petitioner shows the court as follows:

1. That Mr. Smith is without funds to prosecute this action.

2. That Mr. Smith has been found to be indigent for purpose of his appeal in the state courts of Wisconsin.

3. Further, that as a result, pursuant to Chapter 977 of the Wisconsin Statutes, Mr. Smith has been represented and continues to be represented in this matter by counsel provided by the Office of the Wisconsin State Public Defender. Pursuant to Chapter 977 of the Wisconsin Statutes, the Office of the Wisconsin State Public Defender is responsible for determining which criminal defendants are indigent and thus entitled to appointed counsel for representation of criminal defendants in the Wisconsin state courts. Wis. Stat. §§977.06, 977.07.

4. Pursuant to Wisconsin Statutes Chapter 977, Mr. Smith was appointed counsel through the Office of the Wisconsin State Public Defender at both the trial and appellate level for representation in the Wisconsin state courts. He has also been appointed counsel through the Office of the Wisconsin State Public Defender for representation in this petition for certiorari.

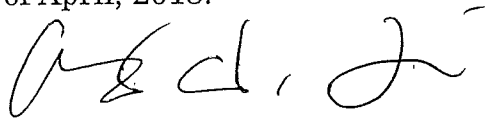
5. That undersigned counsel, Attorney Christopher D. Sobic, is a full-time employee of the Office of the Wisconsin State Public Defender, and that he was appointed to represent Mr. Smith in his

state appeal and has again been appointed to represent him in his petition for certiorari.

6. Pursuant to United States Supreme Court Rule 39.1, Mr. Smith has not attached a declaration or affidavit in support of this motion. Instead, he has attached Orders Appointing Counsel, reflecting that he was appointed counsel in the state court below. Mr. Smith has attached the order appointing counsel at the trial court level, undersigned counsel to represent him in the state appellate court below, as well as the order appointing undersigned counsel to represent him in this petition for certiorari.

WHEREFORE, for all the reasons herein, petitioner respectfully requests that he be permitted to proceed *in forma pauperis* in this action.

Dated this 3rd day of April, 2018.

A handwritten signature in black ink, appearing to read "C. D. Sobic", written over a horizontal line.

CHRISTOPHER D. SOBIC
Assistant State Public Defender
Wisconsin State Public Defender
735 North Water Street, Suite 912
Milwaukee, Wisconsin 53202
414-227-4805
sobicc@opd.wi.gov

Attorney for Petitioner

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

NOTE TO CLIENT: PLEASE CALL YOUR ATTORNEY IMMEDIATELY UPON RECEIPT OF THIS

Name: Frederick S Smith DOC #: Court Case No:
Address: Dane County Jail Client ID: MAD0054160 13CF263
115 W Doty St
Madison, WI 53703 3276 Incarcerated: dcj

SPD ID: 141302437A SPD Case No: 14S-13-R-M02437
Date of Birth: 12/27/1983 Telephone Number: (608) 223-0553

Nature of Case: Description:
973.10 Probation Revocation/Sentencing After Revocation 1 Cnts:
Charge Modifier

County and Court: Dane Branch: Judge:
Next Court Appearance:
Hearing Date Hearing Time Hearing Info Comments Location:

Prior Attorney:

Other Information:

Final Rev hearing to be set

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

Attorney Name: John Tradewell State Bar No: 1017377
Address: 17 S Fairchild St Fl 2 Attorney Telephone: (608) 266 9160
Madison, WI 53703 3219 Date Appointed: 4/15/2014

Appointed By: Dorothea Watson Supervisor ID: 1012712
SPD Office Handling: Madison SPD Office Phone: (608) 266 9150
Dated: 4/15/2014 Date OAC Printed: 4/15/2014

Office of the State Public Defender - Notice to Clients - File Retention Policy

When an attorney represents an individual, s/he makes and keeps a file of the documents and work done on the case. Attorneys on staff with the Office of the State Public Defender (SPD) create and maintain such files for each case. This notice applies only to cases handled by staff attorneys of the Office of the State Public Defender. If your case has been assigned to a private attorney, please consult that attorney about his or her file retention policy.

Upon the conclusion of the representation in this case, the SPD will, upon your request, deliver the original file or any portion requested, to you, along with any of your original documents or other property that the SPD has in its possession.

If you do not request your file, the SPD will retain it for a period of at least five years after the matter is closed. At any point during this period, you may request delivery of the file. If you do not request the file before the end of the five-year period, the SPD may, in its discretion, destroy the file and its contents without further notice to you.

ORDER APPOINTING COUNSEL

Client's Full Name: Frederick S Smith
Address: Dodge Correctional Inst.
PO Box 700, One West Lincoln St
Waupun, WI 53963 0700

Client ID: MAP1298751
SPD ID: 171300276Z
File No: 17S-13-L-F00276
Case Group #: 1827240
Date of Birth: 12/27/1983
DOC #: 507764

Statutes:

Nature of Case: 346.63(1)(a) Operating While Intoxicated 1 Cnts:
Charge Modifier 939.62 Repeat offender enhancer

County and Court: Dane Circuit Court Br. 15, Rm 7D, chamber 7109
Other Information: Judge: Ehlke, Stephen E.
Record Created: January 11, 2017
Judgment Entered: December 08, 2014
Type: Re-Opening: State Supreme Court

Case No:
14-CF-667

IN ACCORDANCE WITH CHAPTER 977 OF THE WISCONSIN STATUTES, I HEREBY APPOINT THE FOLLOWING ATTORNEY TO REPRESENT THE ABOVE NAMED INDIVIDUAL IN RELATION TO THE ABOVE ENTITLED PROCEEDINGS.

Attorney's Name: Christopher Sobie
Address: 735 N Water St Ste 912
Milwaukee, WI 53202 4105

Local Counsel
SPD Office Handling: Milwaukee
Appointed By: Andrea Cornwall

State Bar No: 1064382
Phone Number: (414) 227-4805

Case Opened, Court Record & Transcripts Ordered:
January 25, 2017

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ORDER APPOINTING COUNSEL

Client's Full Name: Frederick S Smith
Address: Dane County Jail
115 W Doty St
Madison, WI 53703 3276

Client ID: MAP1298751
SPD ID: 181300822Z
File No: 18S-13-L-P00822
Case Group #: 1827240
Date of Birth: 12/27/1983
DOC #:

Statutes:

Nature of Case: 346.63(1)(a) Operating While Intoxicated 1 Cnts:
Charge Modifier 939.62 Repeat offender enhancer

County and Court: Dane 15, Rm. 7D, Chamber 7109

Other Information: Judge: Ehlke, E. Stephen

Record Created: February 8, 2018

Judgment Entered:

Type: Collateral Review: Certiorari

Case No:

14-CF-667

2015AP00075

IN ACCORDANCE WITH CHAPTER 977 OF THE WISCONSIN STATUTES, I HEREBY APPOINT THE FOLLOWING ATTORNEY TO REPRESENT THE ABOVE NAMED INDIVIDUAL IN RELATION TO THE ABOVE ENTITLED PROCEEDINGS.

Attorney's Name: Christopher Sobiechowski
Address: 735 N Water St Ste 912
Milwaukee, WI 53202 4105

Local Counsel

SPD Office Handling: Milwaukee

Appointed By: Andrea Taylor Cornwall

Case Opened: February 15, 2018

State Bar No: 1064382

Phone Number: (414) 227-4805

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