

CASE NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES RUSSELL RHINES,
Petitioner,

v.

STATE OF SOUTH DAKOTA,
Respondent.

On Petition for a Writ of Certiorari to
The Supreme Court of the State of South Dakota

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Charles Russell Rhines, through undersigned counsel, asks for leave to file the attached Petition for Writ of Certiorari, without prepayment of fees and costs, and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court.

Petitioner previously sought and was granted leave to proceed *in forma pauperis* in this Court. *See Rhines v. Weber*, 544 U.S. 269 (2005). There have not been material changes in his financial circumstances since that time. He also has been found indigent in the Seventh Judicial Circuit Court of South Dakota, the Supreme Court of South Dakota, the United States District Court for the District of South Dakota, and the United States Court of Appeals for the Eighth Circuit.

The Seventh Judicial Circuit Court of South Dakota first granted an application for court-appointed counsel and found Petitioner indigent in 1992 (Attachment A), and found him indigent and appointed counsel for purposes of his appeal to the Supreme Court of South Dakota in 1993 (Attachment B).

Since 1993, Petitioner has been incarcerated continuously at the South Dakota State Penitentiary. Out of an abundance of caution, Petitioner also attaches a declaration in support of this motion (Attachment C).

Respectfully submitted,



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Dated: May 2, 2018