

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017
NO. _____

Deanne Brekhus,

Petitioner,

v.

City of Bismarck
Respondent.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

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

The Petitioner has not previously requested or been granted leave to proceed *in forma pauperis* in any other Court regarding this particular case.

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

Dated this 16th day of June, 2018.


DEANNE BREKHUS

**IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017
NO. _____**

Deanne Brekhus,

Petitioner,

v.

**City of Bismarck
*Respondent.***

**AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN
FORMA PAUPERIS ON PETITION FOR WRIT OF CERTIORARI
(Rule 39 of the Rules of the Supreme Court of the United States)**

I, DEANNE BREKHUS, being first duly sworn according to law, depose and say that:

I am the petitioner named in the above-entitled case; that in support of my motion to proceed on petition for writ of certiorari without being required to prepay fees, costs or give security therefor, I swear or affirm under penalty of perjury that, because of my poverty I cannot prepay the docket fees of my appeal or post a bond for them. I believe that I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621)

I swear that I am of limited financial means and that my adjusted gross income was approximately \$25,000.00 in 2017.

I further swear that I retained Chad R. McCabe as my appellate attorney before the North Dakota District Court and the North Dakota Supreme Court, to which he agreed to small payments given my financial status. That McCabe also assisted in the preparation of this Petition for Certiorari. His information is as follows:

**Chad R. McCabe
McCabe Law Firm
402 East Main Ave., Suite 100
Bismarck, ND 58501
(701) 222-2500**

That because Mr. McCabe has handled my case through appeal, and has provided me with assistance in preparation of this motion and petition for writ of certiorari, I respectfully request that Mr. McCabe be appointed by this Court to be my attorney, should this Court accept my petition for writ of certiorari.

Dated this 16th day of June, 2018.



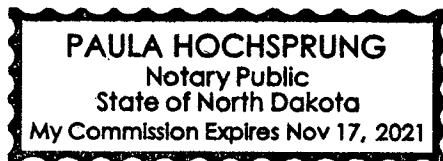
DEANNE BREKHUIS

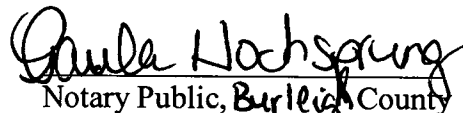
Petitioner

1910 Kyle Lane NW, Apt. 15

Mandan, ND 58554

Subscribed and Sworn to before me this 16 day of June, 2018.





Notary Public, Burleigh County

My Commission Expires: Nov. 17, 2021

This issue which I desire to present on appeal is the following:

1. ***This Court should resolve the important federal question and split among the state courts as to whether officers may make a warrantless entry into a home to arrest for a jailable misdemeanor crime committed in their presence and while in hot pursuit of the suspect.***

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the petition for writ of certiorari are true.

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
Employment	\$0	\$0
Self-employment	\$0	\$0
Income from real property (such as rental income)	\$0	\$0
Interest and dividends	\$0	\$0
Gifts	\$400.00/month	\$400.00/month
Alimony	\$0	\$0
Child Support	\$0	\$0
Retirement (such as social security, pensions, annuities, insurance)	\$0	\$0
Military Disability (such as social security, insurance payments)	\$1,365.00/month	\$1,365.00/month
Unemployment payments	\$0	\$0
Public-assistance (such as welfare)	\$0	\$0
Other (specify)	\$0	\$0
Total monthly income:	\$1,765.00	\$1,765.00

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of employment	Gross monthly pay
St. Alexius	900 E. Broadway Ave. Bismarck, ND 58501	06/2012-09/2015	\$1,500.00/mo.

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
none	none	none	\$0

4. How much cash do you and your spouse have? \$2,000.00 in checking

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
Wells Fargo Bank Wishek, ND 58465	savings	\$2,000.00	\$0

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

Home (Value)	Other real (Value) estate	Motor vehicle (Value) #1
none		2013 RAV 4 Loaned at Bank for \$9,000.00 Value: Appx: \$7,000.00

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	\$0	\$0

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$400.00	
Are real-estate taxes included? No.		
Is property insurance		

included? No.		
Utilities (electricity, heating, fuel, water, sewer, and telephone)	\$80.00/month	\$0
Home maintenance (repairs and upkeep)	\$25.00/month average	\$0
Food	\$350.00/month	\$0
Clothing	\$150.00/month	\$0
Laundry and dry-cleaning	\$0	\$0
Medical and dental expenses	\$50.00/month average	\$0
Transportation (not including motor vehicle payments)	\$100.00/month	\$0
Recreation, entertain- ment, newspapers, magazines, etc.	\$0.00/month	\$0
Insurance (not deducted from wages or included in Mortgage payments)	\$0	\$0
Homeowner's or renter's	\$0	
Life	\$0	\$0
Health	\$0	\$0
Motor Vehicle	\$100/mo.	\$0
Other: _____	\$0	\$0
Taxes (not deducted from wages or included in Mortgage payments)		
(specify): Property tax	none	\$0
Installment payments	\$0	\$0
Motor Vehicle	\$300	\$0
Credit Card (name)	\$0	\$0
Department store (name)	\$0	\$0
Other: none	\$0	\$0
Alimony, maintenance, and support paid to others	\$0	\$0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$0	\$0
Other (specify): none	\$0	\$0
Total monthly expenses:	\$1,555.00	\$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?

No.

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.

I have been paying small payments to attorney Chad R. McCabe for legal representation in this matter.

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

Chad R. McCabe
McCabe Law Firm
402 East Main Ave., Suite 100
Bismarck, ND 58501
(701) 222-2500

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

13. State the address of your legal residence.

1910 Kyle Lane NW, Apt. 15
Mandan, ND 58554

Your daytime phone number: (701) 325-0764

Your age: 52

Your years of schooling: 14 years

Dated this 16th day of June, 2018.

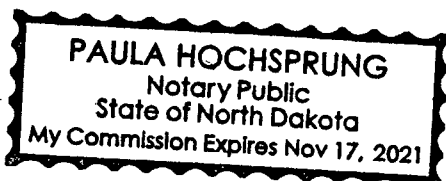


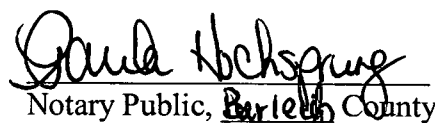
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Notary Public, Burleigh County

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