

No. 18-8801

In the
Supreme Court of the United States

ORIGINAL

PATRICK JOSEPH TERRY - Petitioner

Supreme Court, U.S. FILED APR 04 2019 OFFICE OF THE CLERK
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Vs.

THE STATE OF OKLAHOMA – Respondents (s)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner, Patrick Joseph Terry, asks leave to file the attached *Petition for a Writ of Certiorari* without prepayment of costs and to proceed *in forma pauperis*.

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

1). District Court of Ottawa County, State of Oklahoma, 13th Judicial District Court, c/o Clerk, District Court, Ottawa County Courthouse, 200 E. Central, Miami, OK 74354. Case No. CF-2012-242, Cnts. 1, 2 3. 1) February, 2016; and, 2) April, 2018.

2.) Oklahoma Court of Criminal Appeals, c/o Clerk, Clerk of the Appellate Courts Court of Criminal Appeals of the State of Oklahoma, Oklahoma Judicial Center, 2100 N. Lincoln Blvd., Ste. 4, Oklahoma City OK 73105-4907. Case No(s). PC-2018-1076 and PC-2016-412. See: **Appendix C**, showing judicial finding of petitioner's status as a pauper; October 22, 2018.

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

1/s Patrick Joseph Terry 3-Apr-2019
Patrick Joseph Terry
Petitioner *pro se*
ODOC-97730-JCCC-U3
216 N. Murray St.
Helena OK 73741-1017

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

I, Damon Joseph Terry, 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>16⁰⁰₀₀</u> *	\$ <u>N/A</u>	\$ <u>16⁰⁰₀₀</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Unemployment payments	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>	\$ <u>None</u>
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>16⁰⁰₀₀</u>	\$ <u>None</u>	\$ <u>16⁰⁰₀₀</u>	\$ <u>None</u>

* PRISON - STATE - GAIN PAY

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.) Have been continuously incarcerated since July 12, 2012

Employer	Address	Dates of Employment	Gross monthly pay
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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.) NONE

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	_____	<u>N/A</u>	\$ <u>N/A</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ NONE
 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
<u>N/A</u>	_____	\$ <u>N/A</u>	\$ <u>N/A</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

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

Home NONE
 Value \$ 00.00

Other real estate NONE
 Value \$ 00.00

Motor Vehicle #1 NONE
 Year, make & model N/A
 Value \$ 00.00

Motor Vehicle #2 N/A
 Year, make & model N/A
 Value \$ 00.00

Other assets NONE
 Description _____
 Value \$ 00.00

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
<u>N/A</u>	\$ <u>None</u>	\$ <u>None</u>
<u>/</u>	\$ <u>/</u>	\$ <u>/</u>
<u>/</u>	\$ <u>/</u>	\$ <u>/</u>

7. State the persons who rely on you or your spouse for support. Not Applicable

Name	Relationship	Age
<u>Petitioner is single, with no children, and in the care and custody of the Del. D.O.C.</u>	<u>/</u>	<u>/</u>

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)	\$ <u>00.00</u>	\$ <u>00.00</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>00.00</u>	\$ <u>00.00</u>
Home maintenance (repairs and upkeep)	\$ <u>00.00</u>	\$ <u>00.00</u>
Food	\$ <u>00.00</u>	\$ <u>00.00</u>
Clothing	\$ <u>00.00</u>	\$ <u>00.00</u>
Laundry and dry-cleaning	\$ <u>00.00</u>	\$ <u>00.00</u>
Medical and dental expenses	\$ <u>00.00</u>	\$ <u>00.00</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>00.00</u>	\$ <u>00.00</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>00.00</u>	\$ <u>00.00</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>00.00</u>	\$ <u>00.00</u>
Life	\$ <u>00.00</u>	\$ <u>00.00</u>
Health	\$ <u>00.00</u>	\$ <u>00.00</u>
Motor Vehicle	\$ <u>00.00</u>	\$ <u>00.00</u>
Other: _____	\$ <u>00.00</u>	\$ <u>00.00</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NONE</u>	\$ <u>00.00</u>	\$ <u>00.00</u>
Installment payments <u>NONE</u>		
Motor Vehicle	\$ <u>00.00</u>	\$ <u>00.00</u>
Credit card(s)	\$ <u>00.00</u>	\$ <u>00.00</u>
Department store(s)	\$ <u>00.00</u>	\$ <u>00.00</u>
Other: _____	\$ <u>00.00</u>	\$ <u>00.00</u>
Alimony, maintenance, and support paid to others	\$ <u>00.00</u>	\$ <u>00.00</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>00.00</u>	\$ <u>00.00</u>
Other (specify): _____	\$ <u>00.00</u>	\$ <u>00.00</u>
Total monthly expenses:	\$ <u>00.00</u>	\$ <u>00.00</u>

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:

N/A

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:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Petitioner appears as a 63 year old prisoner in the care and custody of the Okla. Dept. of Corr. and has been continuously incarcerated since date of arrest, July 12, 2012. Since that date, Mother has passed on and Petitioner is without assets or friends to help pay.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 3, 2019


(Signature)