

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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Kenneth Roshell Isom,

*Petitioner*

v.

State of Arkansas,

*Respondent*

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**On Petition for Writ of Certiorari to the  
Arkansas Supreme Court**

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MOTION TO PROCEED IN FORMA PAUPERIS

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Petitioner, Kenneth Roshell Isom, pursuant to Rule 39 of the Supreme Court of the United States, respectfully requests leave to file the attached Petition for Writ of Certiorari to the Arkansas Supreme Court without prepayment of costs and to proceed in forma pauperis.

Petitioner was declared indigent by order of the Drew County Court in 2001 prior to his trial and proceeded in forma pauperis in all subsequent proceedings in state court. The record of first judicial proceedings showing a finding of indigence is attached to this motion. In 2013, the Arkansas Supreme Court appointed Julie

Vandiver and Scott Braden of the Federal Public Defender's office to represent Isom in his coram nobis proceedings. The order of appointment is attached to this motion.

For these reasons, Petitioner respectfully requests that this Court grant him leave to proceed in forma pauperis in this Court.

Respectfully submitted,  
LISA G. PETERS  
FEDERAL DEFENDER

By: /s/ Julie Pitt Vandiver  
Julie Pitt Vandiver  
Federal Public Defender Office for the  
Eastern District of Arkansas  
1401 W. Capital Avenue, Suite 490  
Little Rock, Arkansas 72201  
Julie\_Vandiver@fd.org  
(501) 324-6114

*Counsel for Petitioner*

IN THE CIRCUIT COURT OF Drew COUNTY, ARKANSAS 29-6

STATE OF ARKANSAS

SSN 431-45-8557

vs.

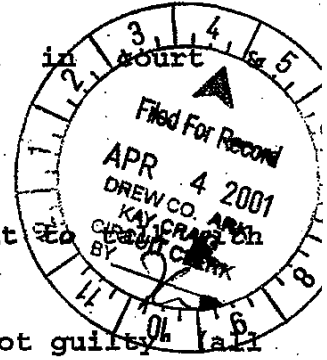
NO. CR-2001-52-2 DOB 6-3-67

Kenneth Ison  
DEFENDANT

W (B) H O / (M) F

RECORD OF FIRST JUDICIAL APPEARANCE

On 4-4, 2001, Defendant appeared in court was/found:



- 1. Advised he has the right to remain silent.
- 2. Advised, if in jail custody, he had the right to family, friends and a lawyer on reasonable request.
- 3. Read any Information on file. Plea of "not guilty" (all counts) and demand for jury trial entered for accused.
- 4. Told likely to be charged with \_\_\_\_\_

5. Advised he had the right to be represented by a lawyer on this charge(s), & explained indigency counsel appointment.

6. Found indigent; PDO SBC Oliver appointed. Defendant is assessed a \$100 Public Defender User Fee, pursuant to Act 1564 of 1999, to be paid immediately to the Sheriff & Collector's Office for the use and benefit of the Arkansas Public Defender Commission, 101 East Capitol Avenue, Little Rock, AR 72201.

7. Defendant claims counsel is \_\_\_\_\_.

8. Found not indigent now/\_\_\_\_\_ Defendant has requested time until the next appearance date shown (#20) to obtain private counsel, & such time is excluded from "speedy trial."

9. Bail bond is \$ Bond Denied; \_\_\_\_\_ Commercial bond only;  
 10% cash deposit plus approved sureties on the balance;  
 10% cash deposit only;  
 Personal recognizance;  
 Any form of bond approved by the Sheriff  
 With conditions, read to/signed by Defendant.

10. Stay on present bail with \_\_\_\_\_.

11. Spouse No Kid 11+12 - no support Education 12<sup>th</sup> grade

12. Crim record \_\_\_\_\_ Law/Enf \_\_\_\_\_

13. Mail address mother's home

14. Home address 1366 N. Gabbert, Monticello, AR all up

15. Tel: (H) / (Msg) \_\_\_\_\_ (W) \_\_\_\_\_

16. Nearest relative Linda Isom - see #14

17. Work: U/#

18. Cash \_\_\_\_\_ Land \_\_\_\_\_ Vehicle \_\_\_\_\_  
 Wages \_\_\_\_\_ Other: AFDC Soc/Sec \_\_\_\_\_

19. Notes \_\_\_\_\_

20. Arrested \_\_\_\_\_ Released \_\_\_\_\_

~~21. Defendant is ordered to appear in this Court on  
 Monday/ \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 at \_\_\_\_\_ .m., with his lawyer ( \_\_\_\_\_ for plea/arraignment).~~

S. Pope  
 SAM POPE, CIRCUIT JUDGE

cc:  PAO: Deen / Cason / Spain mail

Def: PDC (Colvin) (Bunch) (Potts) (Harrod) pu

Defendant mail

Sheriff

JCC mail

Bondsman \_\_\_\_\_

**FORMAL ORDER**

STATE OF ARKANSAS, )  
 ) SCT.  
SUPREME COURT )

**BE IT REMEMBERED,** THAT A SESSION OF THE SUPREME COURT  
BEGUN AND HELD IN THE CITY OF LITTLE ROCK, ON MAY 23, 2013, AMONGST  
OTHERS WERE THE FOLLOWING PROCEEDINGS, TO-WIT:

SUPREME COURT CASE NO. CR-02-213

KENNETH R ISOM APPELLANT

V. APPEAL FROM - CR2001-52-2

STATE ARKANSAS APPELLEE

MOTION OF JULIE VANDIVER AND SCOTT BRADEN FOR PERMISSION  
TO BE APPOINTED AS COUNSEL ON BEHALF OF MOVANT/PETITIONER  
IS GRANTED. CORBIN, J., NOT PARTICIPATING.

IN TESTIMONY, THAT THE ABOVE IS A TRUE COPY OF  
THE ORDER OF SAID SUPREME COURT, RENDERED IN  
THE CASE HEREIN STATED, I, LESLIE STEEN,  
CLERK OF SAID SUPREME COURT, HEREUNTO  
SET MY HAND AND AFFIX THE SEAL OF SAID  
SUPREME COURT, AT MY OFFICE IN THE CITY OF  
LITTLE ROCK, THIS 23RD DAY OF MAY, 2013.

  
\_\_\_\_\_  
CLERK

BY: \_\_\_\_\_ D.C.

ORIGINAL TO CLERK  
CC: JULIE VANDIVER  
SCOTT W. BRADEN  
DUSTIN MCDANIEL