

No. 19-1051

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IN THE  
SUPREME COURT OF THE UNITED STATES

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State of Kansas — PETITIONER  
(Your Name)

VS.

Timothy C. Boettger and Ryan R. Johnson — RESPONDENTS

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The respondents ask leave to file the attached brief in opposition pursuant to Rule 33.2 and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Respondents have previously been granted leave to proceed *in forma pauperis* in the following court(s):

Seventh Judicial District, District Court, Douglas County, Kansas &  
Montgomery County District Court

Respondents have **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Respondents' affidavits or declarations in support of this motion are attached hereto.

Respondents' affidavits or declarations are **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: \_\_\_\_\_, or

copies of the orders of appointment are appended.

  
(Signature)

ELECTRONICALLY FILED

2015 Jun 29 PM 4:10

CLERK OF THE DISTRICT COURTS

NUMBER: 2014-CR-000262

**IN THE SEVENTH JUDICIAL DISTRICT  
District Court, Douglas County, Kansas**

**State of Kansas  
Plaintiff**

vs.

Case No. **2014-CR-000262**  
Senior Judge Richard M. Smith

**Timothy C Boettger  
Defendant**



**ORDER APPOINTING APPELLATE DEFENDER**

Having been convicted of:

- Criminal threat; Cause terror, evacuation or disruption in violation of K.S.A. 21.5415.a.1 Felony Level 09
- Assault in violation of K.S.A. 21.5412.a Misdemeanor Class C

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE DATED December 17 20 15

Douglas County District Court  
Lawrence, Kansas

By *Deanna Sage*  
Deputy

and having been determined an indigent in accordance with K.S.A 22-4501 et seq., the person named above is entitled to appointment of counsel. It is therefore ordered that the Appellate Defender is hereby appointed to represent the above named person as follows:

Check one only:

- Appeal
- K.S.A. 60-1507
- Habeas Corpus pursuant to K.S.A. 22-2710
- Habeas Corpus pursuant to K.S.A. 22-3423
- Other \_\_\_\_\_

This order supersedes any previous order appointing counsel and Joshua D Seiden previously appointed, is hereby relieved as counsel for said person.

CC:

- BIDS
- Appellate Defender's Office

*[Signature]*  
Senior Judge Richard M. Smith



**ORDER APPOINTING COUNSEL  
PRIVATE OR PUBLIC DEFENDER**

**FILED**

MONTGOMERY COUNTY DISTRICT COURT

**2016 JUL 29 AM 11:10**

**TITLE OF CASE:**

STATE OF KANSAS

VS.

RYAN ROBERT JOHNSON

JONI PRATT  
CLERK OF DISTRICT COURT  
MONTGOMERY COUNTY, KS  
CASE NO: 2014-CR-000490-1-FE  
BY \_\_\_\_\_  
List one only

Having been charged with the commission of a **felony**, to wit: **(list felony descriptions only)**

- Criminal threat; Cause terror, evacuation or disruption in violation of K.S.A. 21.5415.a.1 Felony Level 09
- Harass by telecom device; Phone call w/intent to abuse/threaten/harass in violation of K.S.A. 21.6206.a.1.B Misdemeanor Class A
- Criminal damage to property; Without consent value < \$1000 in violation of K.S.A. 21.5813.a.1.B3 Misdemeanor Class B

and having been determined an indigent in accordance with K.S.A. 22-4501 et seq., the person named above is entitled to appointment of counsel. It is therefor ordered that:

\_\_\_ Public Defender

If the Public Defender is not appointed, the court appoints a member of the panel for the following reason(s):

\_\_\_ NOT PD REGION \_\_\_ Conflict/Multiple Defendant Case \_\_\_ Shutdown/Overload

**Appellate Defender, attorney, a member of the panel for indigents' defense, is hereby appointed to represent the above named person as follows:**

**Check one only:**

- \_\_\_ During the prosecution and trial of said felony defendant including sentencing
- \_\_\_ Probation Revocation/Modification/Sentence Conversion/Show Cause
- X Appeal (specify type) \_\_\_\_\_
- \_\_\_ K.S.A. 60-1507
- \_\_\_ Habeas Corpus pursuant to K.S.A. 22-2710
- \_\_\_ Habeas Corpus pursuant to K.S.A. 22-3428
- \_\_\_ Habeas Corpus pursuant to K.S.A. 59-2917
- \_\_\_ Other (please specify and attach copy of complaint/petition) \_\_\_\_\_

This order supersedes any previous order appointing counsel and \_\_\_\_\_ previously appointed, is hereby relieved as counsel for said person. He or she will / will not file a claim for services he or she has performed.

**BY ORDER OF THE COURT** this 15th day of July, 2016.

  
\_\_\_\_\_  
Judge

Original To Court File  
Copy To court appointed counsel / copy to accompany claim when filed with B.I.D.S.

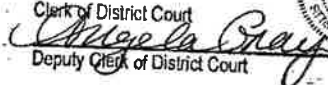
(Make additional copies as needed)

Board of Indigents' Defense Services  
700 SW Jackson, Suite 500  
Topeka, KS 66603  
785-296-4505 FAX 785-291-3082

STATE OF KANSAS, COUNTY OF MONTGOMERY, ss.  
"I hereby certify the above and foregoing to be a true and correct copy of the document which is on file or of record in this court."

Dated 8/22/16

Joni Pratt  
Clerk of District Court

  
Deputy Clerk of District Court



IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS	) County Appealed From: Douglas
Plaintiff-Appellee	) District Court Case No: 14-CR-262
	) Appellate Court Case No: 16-115387-A
vs.	)
	)
TIMOTHY C. BOETTGER	)
Defendant-Appellant	)

Entry of Appearance

The Capital Appellate Defender Office hereby enters its appearance as attorney for Timothy C. Boettger, appellant in the above-captioned case.

The Appellate Defender Office, should be filing a Motion to Withdraw now that counsel has entered their appearance.

Respectfully submitted,



Clayton J. Perkins, #26010  
Capital Appellate Defender Office  
700 Jackson, Suite 903  
Topeka, KS 66603  
(785) 368-6587  
(785) 296- 2869 FAX  
cperkins@sbids.org  
Attorney for Defendant

Certificate of Service

This is to certify that a true and correct copy of the foregoing Entry of Appearance was sent by e-mailing a copy to Charles E Branson, Douglas County Attorney, at [daappeals@douglas-county.com](mailto:daappeals@douglas-county.com) on this 28<sup>th</sup> day of June, 2018.



Clayton J. Perkins

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS	) County Appealed From: Montgomery
Plaintiff-Appellee	) District Court Case No: 14CR490I
	) Appellate Court Case No: 16-116453-A
vs.	)
	)
RYAN R. JOHNSON	)
Defendant-Appellant	)

Entry of Appearance

The Capital Appellate Defender Office hereby enters its appearance as attorney for Ryan R. Johnson, appellant in the above-captioned case.

The Appellate Defender Office, should be filing a Motion to Withdraw now that counsel has entered their appearance.

Respectfully submitted,



Clayton J. Perkins, #26010  
Capital Appellate Defender Office  
700 Jackson, Suite 903  
Topeka, KS 66603  
(785) 368-6587  
(785) 296- 2869 FAX  
cperkins@sbids.org  
Attorney for Defendant

Certificate of Service

This is to certify that a true and correct copy of the foregoing Entry of Appearance was sent by emailing a copy to Larry Markle, Montgomery County Attorney, FAX 620-331-7230, and by emailing a copy to Kris Ailsieger, Deputy Solicitor General, at [ksagappealsoffice@ag.ks.gov](mailto:ksagappealsoffice@ag.ks.gov) on this 28<sup>th</sup> day of June, 2018.



Clayton J. Perkins