

No. _____
(CAPITAL CASE)

IN THE
Supreme Court of the United States

GARY DUBOSE TERRY, PETITIONER,

v.

BRYAN P. STIRLING & MICHAEL STEPHAN, RESPONDENTS.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

TO THE HONORABLE COURT:

The petitioner, Gary D. Terry, represented by undersigned counsel, respectfully requests to proceed *in forma pauperis*, pursuant to Rule 39.1 of the Rules of the Supreme Court of the United States. In support of the motion, the undersigned states the following:

1. The petitioner was determined to be indigent in the course of his proceedings before the South Carolina state courts and before the United States District Court for the District of South Carolina and the United States Court of Appeals for the Fourth Circuit, pursuant to 28 U.S.C. § 3599, 28 U.S.C. § 3006A, and *McFarland v. Scott*, 512 U.S. 849 (1994). Copies of the orders of appointment in the Fourth Circuit Court of Appeals are attached to this motion.

2. The undersigned has represented the petitioner as court appointed counsel by the United States Court of Appeals for the Fourth Circuit. The undersigned understands that this appointment exempts the petitioner from payment of fees or costs and from the filing of an affidavit in compliance with 28 U.S.C. § 1915(a), pursuant to Rule 39.1.

WHEREFORE, the undersigned respectfully requests that this Honorable Court grant the petitioner's request to proceed *in forma pauperis* and that this Court accept the attached petition for writ of certiorari.

RESPECTFULLY REQUESTED,

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Counsel for the Petitioner.

By: s/Hannah Lyon Freedman
Counsel of Record

FILED: January 8, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-3
(4:12-cv-01798-RMG)

GARY DUBOSE TERRY

Petitioner - Appellant

v.

BRYAN P. STIRLING, Commissioner, South Carolina Department of
Corrections; WILLIE D. DAVIS, Warden, Kirkland Reception and Evaluation
Center

Respondents - Appellees

O R D E R

The court appoints Elizabeth Anne Franklin-Best as lead counsel for the appellant pursuant to the provisions of 18 U.S.C. § 3599(c) and the Criminal Justice Act effective 12/27/2019.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material to which defense counsel did not have access in the district court.

Counsel is referred to the **Capital Budgeting and Payment Memorandum**

for information on budgeting requirements, appointment terms, obtaining a fee exempt PACER account for electronic access to documents in CJA cases, redacting private and sensitive data from transcripts and other documents, and maintaining time and expense records.

If counsel anticipates at any time during the representation that the required time will exceed 300 hours for the appeal or 100 additional hours for the petition for certiorari, counsel must submit a budget authorization request (BUDGETAUTH) through CJA eVoucher.

CJA authorization for preparation of transcript is obtained by submitting an AUTH-24 request in the district eVoucher system. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case in order to submit the AUTH-24 request for district judge approval and the CJA 24 voucher for transcript payment. Counsel must also submit a Transcript Order Form to the court reporter and district court and file the same in the court of appeals with the docketing statement. Upon filing of the Transcript Order Form, the Fourth Circuit will set deadlines for completion of the transcript.

CJA 30 and 31 vouchers are submitted for payment through the Fourth Circuit's CJA eVoucher system. Upon receiving email notification of this appointment from eVoucher, counsel may create CJA 30 and 31 vouchers for use in maintaining time and expense records and paying for expert services. See CJA eVoucher.

All case filings must be made using the court's Electronic Case Filing system (CM/ECF). Counsel not yet registered for electronic filing should proceed to the court's web site to register as an ECF filer. See **Required Steps for Registration as an ECF Filer.**

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

FILED: January 17, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-3
(4:12-cv-01798-RMG)

GARY DUBOSE TERRY

Petitioner - Appellant

v.

BRYAN P. STIRLING, Commissioner, South Carolina Department of
Corrections; MICHAEL STEPHAN, Warden, Broad River Correctional Institution

Respondents - Appellees

O R D E R

The court appoints Hannah Lyon Freedman as co-counsel for the appellant pursuant to the provisions of 18 U.S.C. § 3599(c) and the Criminal Justice Act effective 01/14/2020.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material to which defense counsel did not have access in the district court.

Counsel is referred to the **Capital Budgeting and Payment Memorandum**

for information on budgeting requirements, appointment terms, obtaining a fee exempt PACER account for electronic access to documents in CJA cases, redacting private and sensitive data from transcripts and other documents, and maintaining time and expense records.

If counsel anticipates at any time during the representation that the required time will exceed 300 hours for the appeal or 100 additional hours for the petition for certiorari, counsel must submit a budget authorization request (BUDGETAUTH) through CJA eVoucher.

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For the Court--By Direction

/s/ Patricia S. Connor, Clerk