

No. 21-975

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF IDAHO,

Petitioner,

-v-

AARON JAMES HOWARD,

Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE IDAHO SUPREME COURT

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Respondent, Aaron James Howard, by and through undersigned counsel, asks leave to file the attached Brief in Opposition without prepayment of fees and costs, and to proceed *in forma pauperis*, pursuant to Rule 39 of the Rules of this Court.

Pursuant to Idaho Code § 19-870, the trial court appointed appellate counsel for Mr. Howard, who is indigent. The order appointing appellate counsel for Mr. Howard is attached as Exhibit A.

Mr. Howard requests that this Court allow him to proceed *in forma pauperis*.

Respectfully submitted on this 13th day of June, 2022.



ERIC D. FREDERICKSEN

Counsel of Record

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COUNSEL FOR RESPONDENT


PROOF OF SERVICE

I hereby certify that, on this 13th day of June, 2022, I caused a copy of the foregoing Motion for Leave to Proceed *In Forma Pauperis* to be served on the following by first-class mail, postage pre-paid, as well as electronically:

LAWRENCE G. WASDEN
Idaho Attorney General
KENNETH K. JORGENSEN
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Respectfully submitted,



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COUNSEL FOR RESPONDENT

Exhibit A

Filed:09/10/2019 11:40:34
First Judicial District, Kootenai County
Jim Brannon, Clerk of the Court
By: Deputy Clerk -Booth, Kathy

Jay Weston Logsdon, Chief Deputy Litigation
Kootenai County Public Defender
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**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

STATE OF IDAHO,

Plaintiff-Respondent,

v.

AARON JAMES HOWARD ,

Defendant-Appellant.

CASE NUMBER CR28-19-0003966

F

**ORDER FOR APPOINTMENT OF
STATE APPELLATE PUBLIC
DEFENDER IN DIRECT APPEAL;
RETAINING TRIAL COUNSEL FOR
RESIDUAL PURPOSES**

**TO: OFFICE OF THE IDAHO STATE APPELLATE PUBLIC DEFENDER, AND,
JAY WESTON LOGSDON, DEPUTY PUBLIC DEFENDER, KOOTENAI COUNTY.**

A judgment having been entered by this Court on September 4, 2019, and the defendant having requested the aid of counsel in pursuing a direct appeal from this district court in this felony matter, and defendant's trial counsel having filed a timely notice of appeal, and the Court being satisfied that said defendant continues to be a needy person entitled to public representation, therefore,

IT IS HEREBY ORDERED, in accordance with I.C. 19-870, that the State Appellate Public Defender is appointed to represent defendant in all further proceedings involving his appeal.

**ORDER FOR APPOINTMENT OF STATE APPELLATE
PUBLIC DEFENDER IN DIRECT APPEAL; RETAINING
TRIAL COUNSEL FOR RESIDUAL PURPOSES**

IT IS FURTHER ORDERED that trial counsel shall remain as appointed counsel of record for all other matters involving action in the trial court which, if resulting in an order in defendant's favor, could affect the judgment, order or sentencing in the action, until the expiration of the time limit for filing said motions or, if sought and denied, upon the expiration of the time for appeal of such ruling with the responsibility to decide whether or not a further appeal will be taken in such matters.

IT IS FURTHER ORDERED that trial counsel shall cooperate with the Office of State Appellate Public Defender in the prosecution of defendant's appeal.

DATED this 9th day of September, 2019


RICH CHRISTENSEN
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this _____ day of September, 2019, served a true and correct copy of the attached ORDER FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER IN DIRECT APPEAL; RETAINING TRAIL COUNSEL FOR RESIDUAL PURPOSES via interoffice mail or as otherwise indicated upon the parties as follows:

- | | | |
|--------------|--|---|
| <u> X </u> | Kootenai County Public Defender | <input type="checkbox"/> Interoffice Mail
<input type="checkbox"/> Facsimile (208) 446-1701
<input checked="" type="checkbox"/> Email: pdfax@kcgov.us |
| <u> X </u> | Kootenai County Prosecuting Attorney
P.O. Box 9000
Coeur d'Alene, Idaho 83816-9000 | <input type="checkbox"/> Interoffice Mail
<input type="checkbox"/> Facsimile (208) 446-2168
<input checked="" type="checkbox"/> Email kcpaicourts@kcgov.us |
| <u> X </u> | Lawrence G. Wasden
Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010 | <input type="checkbox"/> First Class Mail
<input type="checkbox"/> Facsimile (208) 854-8074
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| _____ | Supreme Court (certified) | <input type="checkbox"/> First Class Mail
<input type="checkbox"/> Fax Certified (208) 334-2616 |
| <u> X </u> | State Appellate Public Defender
322 East Front, Suite 570
Boise, Idaho 83702 | <input type="checkbox"/> First Class Mail
<input type="checkbox"/> Facsimile (208) 334-2985
<input checked="" type="checkbox"/> Email: Documents@sapd.state.id.us |
| <u> / </u> | Reporter for District Judge Rich Christensen, Keri Veare via Interoffice Mail | |