

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

John Wakefield — PETITIONER
(Your Name)

VS.

People of the State of NY — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

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

NYS Court of Appeals; NYS Supreme Court, Appellate Division,
Third Judicial Department; Schenectady County Court

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☒ a copy of the order of appointment is appended.

John W. Wakefield
(Signature)

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

I, John Wakefield, 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>0</u>	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Other (specify): <u>State Pay</u>	\$ <u>14.00</u>	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>14.00</u>	\$ _____	\$ _____	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>NONE</u>			\$
			\$
			\$

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.)

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

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>NONE</u>	\$	\$
	\$	\$
	\$	\$

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

☐ Home
Value _____

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model _____
Value _____

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
Description NONE
Value _____

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>	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

<u>NONE</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)

\$ N/A \$ _____

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ N/A \$ _____

Home maintenance (repairs and upkeep)

\$ N/A \$ _____

Food

\$ N/A \$ _____

Clothing

\$ N/A \$ _____

Laundry and dry-cleaning

\$ N/A \$ _____

Medical and dental expenses

\$ N/A \$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ _____
Life	\$ <u>N/A</u>	\$ _____
Health	\$ <u>N/A</u>	\$ _____
Motor Vehicle	\$ <u>N/A</u>	\$ _____
Other: _____	\$ <u>N/A</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ _____
Credit card(s)	\$ <u>N/A</u>	\$ _____
Department store(s)	\$ <u>N/A</u>	\$ _____
Other: _____	\$ <u>N/A</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ _____
Other (specify): _____	\$ <u>N/A</u>	\$ _____
Total monthly expenses:	\$ <u>N/A</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? _____

If yes, state the attorney's name, address, and telephone number:

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? _____

If yes, state the person's name, address, and telephone number:

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

*I have been continuously incarcerated since December 2, 2010
and receive no support from anyone other than DOCCS program pay.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 5, 2022


(Signature)

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES
ELMIRA CORRECTIONAL FACILITY
INMATE STATEMENT FOR THE PERIOD 04/30/22 THRU 05/31/22

* NAME: WAKEFIELD JOHN W DEPT ID: 15A2162 CELL LOC: 0F-04-11S NYSID: 05062261Y *

FACILITY	DATE	---- TRANSACTION ---- (COMMENTS)	TR-NUM	RECEIPT(+)	DISBURS(-)	COLLECTED AMT	STATEWIDE SPENDABLE	STATEWIDE ACCT BAL
		STARTING BALANCE AT ELMIRA						2.57
		BALANCE FORWARD				.00	2.57	2.57
ELMIRA	05/03/22	STRT ADV-LGL C (\$6.00)				.00	2.57	2.57
ELMIRA	05/05/22	COMM BUY			2.39	.00	.18	.18
ELMIRA	05/05/22	PAYROLL RCPT	122211	2.37		2.37	.18	2.55
ELMIRA	05/05/22	PAYROLL RCPT	771933	2.37		2.37	.18	4.92
ELMIRA	05/09/22	TIME DEPOSIT INT	33122	.02		.02	.18	4.94
ELMIRA	05/10/22	STRT ADV-LGL C (\$5.52)				.18	.00	4.94
ELMIRA	05/10/22	STRT ADV-POSTG (\$9.10)				.00	.00	4.94
ELMIRA	05/12/22	PAYROLL RCPT	122211	2.37		2.37	.00	7.31
ELMIRA	05/12/22	PAYROLL RCPT	771933	2.37		2.37	.00	9.68
ELMIRA	05/12/22	PAY ADV-LEGL (2022-05-03)	PAYROLL		6.00	6.00-	.00	3.68
ELMIRA	05/16/22	STRT ADV-POSTG (\$2.56)				.00	.00	3.68
ELMIRA	05/19/22	PAYROLL RCPT	122211	2.37		2.37	.00	6.05
ELMIRA	05/19/22	PAYROLL RCPT	771933	2.37		2.37	.00	8.42
ELMIRA	05/19/22	PAY ADV-LEGL (2022-05-10)	PAYROLL		5.52	5.52-	.00	2.90
ELMIRA	05/26/22	PAYROLL RCPT	122211	2.37		2.37	.00	5.27
ELMIRA	05/26/22	PAYROLL RCPT	771933	2.37		2.37	.00	7.64
		MONTHLY ENDING TOTALS		18.98	13.91	7.64	.00	7.64
		ENDING BALANCE AT ELMIRA						7.64
		20% OF AVERAGE 6 MO SPENDABLE BALANCE		32.37	20% OF AVERAGE 6 MO DEPOSIT AMT			48.14

LAGGED PAYROLL, DAYS LAGGED - 15 AMOUNT LAGGED - 6.69
THIS AMOUNT WILL BE ADDED TO YOUR ACCOUNT UPON RELEASE ONLY

----- REASON -----	DATE IMPOSED	--- NOTES ---	ADVANCE BREAKDOWN TOTAL OWED	COL TO-DATE	BALANCE DUE
POSTAGE ADVANCE	05/10/22	LEGAL POSTAGE	9.10	7.64	1.46
POSTAGE ADVANCE	05/16/22	LEGAL POSTAGE	2.56	.00	2.56

* ENCUMBRANCES ESTABLISHED AND PAID IN THE CURRENT MONTH.

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: June 7, 2017

107724

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

DECISION AND ORDER
ON MOTION

v

JOHN WAKEFIELD,
(Ind. No. A-812-29)

Appellant.

Motion to relieve assigned counsel and to assign new counsel.

Upon the papers filed in support of the motion, and no papers having been filed in opposition thereto, it is

ORDERED that the motion is granted, and Frederick Rench, Esq., 646 Plank Road, Suite 204, Clifton Park, NY 12065, 518-373-8400, is relieved from any further obligation to represent appellant, and it is further

ORDERED that Matthew C. Hug, Esq., 21 Everett Road Extension, Albany, NY 12207, 518-283-3288, is assigned to represent appellant upon this appeal pursuant to County Law section 722, and the appeal shall be perfected in accordance with section 800.14 of this Court's Rules of Practice, and it is further

ORDERED that pursuant to section 800.4 (c) of this Court's Rules of Practice, the Schenectady County Court Clerk shall furnish to appellate counsel one copy of the transcripts of the stenographic minutes of all proceedings in this matter and one copy of any other paper or document on file in that office which is material and relevant to this appeal, except those portions which appellate counsel or the criminal court determines are unnecessary for perfection of the appeal, and to forward forthwith the other copy of said transcripts to the Clerk of this Court. However, if such minutes and other papers or documents were previously provided to Frederick Rench, Esq., said counsel shall forward those documents to Matthew C. Hug, Esq., within ten (10) days of the date of this decision, and it is further

ORDERED that if the appeal is not perfected on or before September 5, 2017, appellate counsel shall move on notice for a further extension of time to perfect the appeal.

Peters, P.J., Garry, Egan Jr. and Mulvey, JJ., concur.

ENTER:



Robert D. Mayberger
Clerk of the Court