

No. \_\_\_\_\_  
(Capital Case)

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In The  
**Supreme Court of the United States**

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STEPHEN C. STANKO, Applicant/Petitioner

v.

BRYAN STIRLING, Director, South Carolina Department of Corrections,  
and Lydell Chestnut, Deputy Warden Broad River Correctional Institution,  
Respondents

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**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

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TO THE HONORABLE COURT:

COMES NOW the Petitioner, Stephen Stanko, represented by undersigned counsel, and before this Honorable Court 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 this motion, the undersigned respectfully states the following:

The petitioner was determined to be indigent in the course of the criminal proceedings before 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). Pursuant to Rule 39.1, because the court below appointed undersigned counsel to represent an indigent, no affidavit of indigency is required.

The undersigned has represented the petitioner as court appointed counsel by the United States Court of Appeals for the Fourth Circuit. That appointment includes pursuing this litigation. *See Harbison v. Bell*, 556 U.S. 180 (2009). 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, it is respectfully requested 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,

/s/ E. Charles Grose, Jr.

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